

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON TRANSPORTATION

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
February 3, 1981

The Senate Committee on Transportation was called to order by Chairman Richard E. Blakemore, at 3:00 p.m., Tuesday, February 3, 1981, in Room 131 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Richard E. Blakemore, Chairman
Senator William Hernstadt, Vice Chairman
Senator Joe Neal
Senator Lawrence E. Jacobsen
Senator James Bilbray
Senator Clifford E. McCorkle
Senator Wilbur Faiss

GUEST LEGISLATORS:

Senator James N. Kosinski
Senator Virgil Getto

STAFF MEMBERS PRESENT:

Fred Welden, Senior Research Analyst
Kelly R. Torvik, Committee Secretary

The committee was shown a film on drinking and driving. (See Exhibit C). Senator McCorkle explained that the film was produced and published by a state senator from New York, which now has one of the most severe penalties for a driver under the influence (DUI). Senator McCorkle then gave testimony in regard to the DUI. (See Exhibit D).

Senator Bilbray asked if there was any objection to amending the bill to include incarceration in the county jails. Senator McCorkle felt that amendment would be reasonable due to certain overcrowding conditions throughout the State.

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Senator Neal asked the intent of the physical labor portion which appeared on line nine of page two in the bill. Senator McCorkle explained that it would be up to the discretion of the judge. Senator McCorkle added that the reason the physical labor was included was to avoid overcrowding in the local jails by first offenders. He pointed out that it was less expensive to supervise the offenders during physical labor than to house them full time.

Senator McCorkle pointed out that in the bill alcoholism is recognized as a sickness. The bill is giving the alcoholic the opportunity to be determined such by a state approved physician and, if that is determined, no formal penalties will be imposed other than imposition of a detoxification program and loss of license until he is certified non-drinking. He realized that adjustments would have to be made to perfect the language.

Senator Neal questioned if subsection 5 could be considered an escape clause for those who could afford a physician who would certify them as alcoholics. Senator McCorkle explained that only state approved physicians would be eligible to certify alcoholics. Senator McCorkle added that amendment could be used to clarify the language.

Senator Neal asked why those who provide the liquor are not partially responsible for the DUI's actions. Senator McCorkle explained that there would be tremendous problems with enforcement if the provider of the liquor was responsible. He also pointed out that it would weaken the acceptability of the bill.

Senator Bilbray asked if there could be an amendment which would provide for the DUI who is in poor health. He explained that incarceration in these cases can be fatal. To remedy this, Senator Bilbray proposed an amendment that would allow these persons to serve their time in a medical facility rather than a jail or prison.

Senator Bilbray questioned whether Nevada should adopt a .05 alcohol blood level threshold. He asked if there were any statistics available on this subject. Senator McCorkle believed this was not the type of legislation that was needed.

Senator Herstadt felt that public attitude did not reflect a criminal outlook at the DUI. He also pointed out that Nevada is a tourist state and the casinos serve many free drinks to tourists in order to induce them to game. He questioned if

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the casinos were responsible for a portion of the drunken drivers. Senator McCorkle suggested public service messages to help educate the public on the hazards of drunken driving. Senator McCorkle pointed out that the majority of the drunken drivers are social drinkers living within the community and not tourists.

Senator Kosinski brought up three points that would be used in opposition to the bill. Firstly; penalties would not be a deterrent. Senator Kosinski pointed out that in the early 1970's, Reno, through a LEAA grant, enforced the DUI laws with specially trained police officers. He noted that people were afraid of receiving a citation and therefore took other forms of transportation. Secondly; you are taking away the discretion of the court by mandating these penalties. In his opinion, if the courts were doing their job in getting the drunk driver off the road the public would not be asking for the bill. Thirdly; there is not enough room in the jails and prisons to house the convicted DUI offenders. Senator Kosinski felt that room should be made for the DUI. According to statistics there are more DUI related deaths than deaths arising from murder.

Senator Faiss pointed out that if legislation is too strict a jury will not convict anyone and therefore it is useless. Senator Kosinski realized that problem but felt that drivers will be deterred by the penalties and will not drive while while drinking.

Senator Jacobsen asked whether an identification program had any potential as a deterrent. Senator Kosinski felt that any program in that area would be helpful as a deterrent.

Senator Getto stated that he was a victim of a DUI. He said that he was in support of the concept of the bill but questioned whether it was feasible in light of the state's economic situation and the cost of enforcement. He did support the section which required physical labor. Senator Getto felt that an education program is the only way to correct the problem of the drunk driver.

Mr. Ray Pieretti, brother of victim Gene Pieretti, brought up the fact that it was the drunk driver's seventh involvement with drunk driving and so far the driver had only received minor punishment. He felt that this bill would be a good deterrent.

Mrs. Jane Pena, also a victim of a DUI (see Exhibit C), felt that the drunk driver that hit her was not punished. She said that he was unconcerned about the entire accident. He would follow her

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and joke about the accident. She pointed out that the judge who heard her case had a rehabilitation counselor assigned to his court to be used in situations such as this. The rehabilitation counselor had to be laid off because of lack of work.

Mr. Don Nichols was asked to provide information on the financial aspects of the legislation. Mr. Nichols stated that if fines are imposed upon the first offense they would be a good source of revenue. He said that in 1979 he did a policy analysis for the Bureau of Alcohol and Drug Abuse. Of \$670,000 allotted to the the Bureau for rehabilitation only 2 percent was allocated to prevention type programs. Mr. Nichols felt that there is plenty of money when taking into consideration revenues generated by alcoholic beverages and fines.

Senator Bilbray said that he would like a proposal that would tax the bottle as it is sold. This would have drinkers pay for the programs. Senator Blakemore stated that the industry would not support that type of direct collection.

Sharon Alcamo from the Department of Motor Vehciles came to comment on how the bill relates to current law and the administration of the bill. She suggested that in subsection 3 that it specify what agency would be responsible for the supervision and the completion of physical labor. Senator Bilbray pointed out that without the specification the court can assign the physical labor to any agency that is in need of it.

Ms. Alcamo pointed out that in subsection 3 the bill indicates that the violator would attend educational courses given by the Department. The Department does not give the courses. She suggested changing the language in that section to approved. Ms. Alcamo then suggested that when referring to license suspension the term should be revoke. This would eliminate the problem of issuing a work permit since the law precludes the issuance of a work permit until one year of revocation has been served. Ms. Alcamo then pointed out that the license suspension period for the second offense in the bill is less of a penalty than offered in present law.

Senator Bilbray noted that there is no limitation on the time period between offenses. He questioned when previous violations would be removed from the driver's record. Senator McCorkle said that the intent of the legislation was for anything within three years.

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Senator Hernstadt noted that an offender will ask the judge how he is supposed to get to work. Ms. Alcamo stated that travel was one of their biggest problems. In the urban areas there are alternate methods of transportation but in the rural areas one must rely on friends and family. She stated that the Department has tried to be very stringent in issuing work permits because the Department is taking a risk in issuing them. Senator Hernstadt pointed out that lack of transportation is part of the penalty for drunk driving.

Ms. Alcamo asked if there could be some amendment to include certified alcohol and drug abuse counselors as eligible to certify a DUI as an alcoholic. She also stated that it would be difficult to find a physician who would certify a DUI offender as no longer using alcohol or a controlled substance as indicated on line 36 of page two. She suggested verbage that would have the physician describe their medical condition and the DUI's ability to safely operate a motor vehicle.

Larry Ketzenberger from the L. V. Metropolitan Police Department pointed out that there is no problem with the judicial mandate for the reduction of prisoners in the Department. The Department considers a DUI a public safety offense which is excluded by the mandate. Mr. Ketzenberger stated that the Department believes swift and sure punishment is a deterrent. He suggested that a time limit be included in the bill with regard to trial. His concern is that offenders are coming up on two and three different offenses and the prior offenses are being dismissed. Senator Bilbray stated that if there is a time limit for the trial many cases would have to be dismissed because they did not meet this limit.

Dick Ham from the Bureau of Alcohol and Drug Abuse said that public attitude is one of the biggest problems. He noted that people are always encouraged to drink but not to accept the responsibility. Mr. Ham suggested that the committee consider requiring a pre-sentence investigation to determine if a DUI is an alcoholic.

Mr. Ham then pointed out that subsection five provided for a Bureau certified physician. He stated that the Bureau does certify counselors and administrators but not physicians. He also noted that most physicians have no training in the field of alcohol or drug abuse. The bill could specify that certified physicians have this type training. Mr. Ham then stated that the Bureau would be willing to help the committee in preparation of amendments.

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Senator McCorkle stated that when drawing up the bill, drug abuse counselors were purposely avoided because they felt personal relationships might enter into the determination of alcoholism. Senator McCorkle did support the idea of certifying a physician with certain alcohol and drug abuse training.

Senator Neal pointed out that there seems to be a lack of education to those persons who drink about the effects of drinking and driving. The education programs that he has been involved in have been very successful.

Barbara Durbin from the Department of Parole and Probation suggested that there be a time configuration between arrests. The Department feels that there should be a differentiation between those who intend to drive without a license and those who merely let their license expire. Ms. Durbin did mention that, in regard to Mr. Ham's suggestion for pre-sentence investigations, there was presently a bill before the legislature which would eliminate pre-sentence investigations except in the case of felony which would be the third or subsequent offense. The third or subsequent offense in non-probational and therefore pre-sentence investigations may not be of assistance. She did note that investigations are very extensive and are weighed on the individual merits of each case.

Murray Cohen from the Northern Nevada Food and Beverage Association felt that this bill does not properly address itself to the problem of drunken drivers. Mr. Cohen felt that if all DUI offenders are incarcerated that no lives would be saved. Mr. Cohen also felt that passage of the bill would not deter drivers from drinking. Mr. Cohen stated that the bill would severely injure one of the largest industries in the state and that they should come up with a more effective method to keep the drunk driver off the road.

Senator Hernstadt stated that the problem they were trying to address is the repetitive DUI offender. Mr. Cohen agreed that the repetitive offender was the problem but did not feel the bill addressed it.

Darrin Blackwell from Carson High School questioned why the public should abide by laws that are not being enforced. He felt that mandatory incarceration is necessary to keep the drunk drivers off the road. Mr. Blackwell supported the education programs in the school but he felt they were being wasted unless some enforcement was taking place.

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Mrs. Ray Ceccarelli, another victim of a DUI (see Exhibit C), stated that society does not recognize the DUI problem. She felt that if a person becomes drunk and drives they are responsible for their own actions. She did state, from her own experience, that the DUI victims are not being represented in the courtrooms.

Mr. Mike Tenk, brother-in-law of victim Gene Pieretti, stated that he was in opposition to Mr. Cohen's statement that this legislation will not keep the drunk driver off the road.

Mr. Jerry Maple, Douglas County Sheriff, believed that the bill is strict and exactly what is needed. He stated that under the present law a person can file a notice of election under N.R.S. 458.300. Under this provision, they elect to go into rehabilitation and are not subjected to any other penalties. These offenders are not required to see the judge again. Sheriff Maple also questioned the term involuntary manslaughter, which is a charge applied to some cases. He asked the committee how someone who voluntarily drinks and drives can receive an involuntary manslaughter charge. He believed it should be voluntary. Sheriff Maple suggested that there be mandatory posting of the laws that relate to DUI offenses in every liquor establishment in the state.

Estelle Latona from the Hangmen's Tree in Reno felt that the opposition to the bill did not have enough time to gather statistics or other material. She said that she would like to make some recommendations on the language in the bill.

Mr. C. O. Watson from the Wine and Spirits Wholesalers of Nevada explained that the point of intoxication is different for every person. He questioned how can a variable be legislated. Mr. Watson felt that enforcement and not legislation is the actual deterrent. He also felt that revenue from liquor should be earmarked for that particular problem.


Don Heath, Commissioner of Insurance, suggested that the committee refer to the minutes of the Interim Committee on ACR 29. This was dated August 1980 under bulletin number 81-3. He said that he could not insure that the passage of this legislation would have a dramatic and positive reduction of insurance rates. However, this bill could be looked at as a form of loss prevention and the long range effect of loss prevention could lead to a lowering of insurance rates. He did state that

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enaction of this legislation would help the insurance companies identify the DUI. Since a DUI can easily raise the premiums by 50 percent he felt that this bill would be a deterrent. Mr. Heath did make the Division of Insurance available for any information the committee may need.


Senator Blakemore stated that there will be another meeting of Senate Bill 83 on Thursday, February 19, 1981. There being no further business, the meeting adjourned at 6:10 p.m.

Respectfully submitted by:



Kelly R. Torvik

APPROVED:



Senator Richard E. Blakemore
Chairman

Dated: 2/10, 1981

REVISED SENATE AGENDA

COMMITTEE MEETINGS

Committee on Transportation, Room 323.
Day Tuesday, Date February 3, Time 2:00 p.m.

S. B. No. 83--Increases punishment for driving under influence of intoxicants.

S. C. R. No. 7--Directs study of feasibility of special permits for overloaded vehicles.

S. B. No. 51--Requires unloading of overweight vehicles on second or subsequent offense for operator.

S. B. No. 52--Establishes schedule of fines for overloaded vehicles.

S. B. No. 53--Increases allowable limits on size of vehicles.

S. B. No. 54--Provides alternative weight limits for certain vehicles.

SENATE COMMITTEE ON TRANSPORTATION

DATE: 2/8/81

PLEASE PRINT NAME	PLEASE PRINT ORGANIZATION & ADDRESS	PLEASE PRINT TELEPHONE
T. TANKAVICH	NV - Dept. of Transportation	885-5440
Pat Bates	Churchill Council on Alcohol	433 6048
Brauchamp	self - 5445 W. Interstate Reno	849-1391
David O. Funk	44 3120 Santa Ana Dr. Reno	826-5902
Janice M. Jones	731 S. ...	359-1570
HP Sturm	435 Moran #7 Reno	329-3224
Uma Cox	215 Birch Lane Reno	786 6536
Rockie Gray		
Lee Boardman	1570 Westwood Dr Reno 09	322-3164
Vingel Anderson	NRA Amaly House	882-1890
Kent Coble	Greyhound Lines, Inc. Sacramento, Calif.	916-443-3966
John Borde	Nev. Motor Trans. Assoc	331-6884
Ken Thurston	535 Gregory Way Sparks	358-2778
Reverie Thurston	535 Gregory Way Sparks	358-2778
William L. ...	560 Gregory Way Sparks	358-4972
Sam Mack	Douglas Co. Sheriff	702/782-2211
Larry Ketchum	LV Metro Police Dept	702/386 3486
Jackie S. ...	332 Smithridge Pl, Reno	825-4195
Russ ...	1520 Westwood Dr Reno 89509	322-2114
...
JAT ...	739-16th St Sparks 89431	359-0828
...	1861 ...	774-4457

ATTENDANCE ROSTER FORM

COMMITTEE MEETINGS

SENATE COMMITTEE ON TRANSPORTATION

DATE: 2/3/81

PLEASE PRINT NAME	PLEASE PRINT ORGANIZATION & ADDRESS	PLEASE PRINT TELEPHONE
John K...	30 St
JANE KEMP	419 HAWTHORNE WY ...	483-0897
Don Nichols	352 Smithbridge Park Reno ⁸⁹⁵⁰²	825-2198
Shirley (Clemens) Don	DMV	885-5360
Walter ...	BADIT	885-4790
Laura Durkin	Police x ...	885-5040
Dennis Blackwell	P.H.S. High School	882-5266
...	...	882-2265
Milvie Tomk	990 ...	324-2131
...	Sheriff Douglas Co	785-...
...	...	786 6151
...	INSURANCE Division	585-42010

SENATE COMMITTEE ON TRANSPORTATION

DATE: 2/3/81

PLEASE PRINT NAME	PLEASE PRINT ORGANIZATION & ADDRESS	PLEASE PRINT TELEPHONE
Kevin Brewer	Interim Assemblyman Sader.	
Dolores McBride	Student in Sheriff's Office vicinity	807-0728
Paul Prentaman	Assemblyman - District 26	
Murray Cohen	Nr. New Food & Bev. Assoc. - Carson City	882-9792
Stanley Lakeborn	117 Greenwood Ave. Reno	851-4124
Walter Lakeborn	117 Greenwood Ave Reno	851-4124
John [unclear]	[unclear]	[unclear]
[unclear]	[unclear]	[unclear]
Estelle [unclear]	Hangman TREE 455 HWY 395 N	849-2788
John Hammond	Hangman's Tree 455 Hwy 395 N	849-2788
LINNE HARTUNG	205 BRET HARTE RENO	786-4987
Gene Phelps	UDOT	5813
Julie Nelson	Intern for Assemblyman Dini	
Kim Stoll	Intern for Paul Prentaman -	
[unclear]	910 West Mueser Carson City	882-1408
[unclear]	10 [unclear] Reno, NV	852-6640
[unclear]	408 N. [unclear]	852-3604
[unclear]	115 Greenwood Dr. Reno. Verim of Drunk Drivers	852-3300
[unclear]	409 [unclear] Concerned Citizens	853-0890



Dear Friend,

We all know people who drive after they drink. A few may be chronic alcoholics. But the vast majority are outstanding members of the community unwinding with a few drinks after work or toasting the joy of holidays and family celebrations.

Few of these people consider the very real consequences of combining alcohol with driving: the tragedy of drunken driving strikes in the death or injury of an innocent victim.

Statistics show that more than 25,000 people are killed each year in alcohol-related traffic accidents. Yet drinking and driving remain socially acceptable in the United States.

The documentary film, *Until I Get Caught*, examines the psychological underpinnings of society's attitudes toward drunken driving and believes to the families of victims who know too well the cost of this social ill. Also considered are the effects of alcohol on driving performance, enforcement of our DMV laws and, most important, safe drinking habits practiced in such countries as Sweden.

I am proud of the role played by the New York State Legislature in helping to fund this film which is available on a free loan basis. I am convinced that *Until I Get Caught* will have a lasting impact on anyone who sees it and hears its message: If you drink, don't drive.

Sincerely yours,

W. T. Smith

William T. Smith

1980 First Place
(Drugs and Society)
John Muir
Medical
Film Festival

Until I Get Caught, broadcast as a 60-minute special on public television stations throughout the country during the 1979 Christmas season, was directed by David H. Qlach, produced by Prof. James B. Mass and narrated by Dick Cavett.

Major funding was provided by the New York State Legislature and General Motors Corporation with additional financial support from the Exxon Education Foundation, the New York State Division of Alcoholism and Alcohol Abuse and Senator and Mrs. William T. Smith of Big Flats, New York.

3/80

Obtaining The Film

The 27 minute version of *Until I Get Caught* is available on a no cost loan basis from:

Mudson Talking Pictures Service
5000 Park Street North
St. Petersburg, Florida 33709

General Motors Film Library
General Motors Building
Detroit, Michigan 48202

The one hour version shown on public television can be purchased on 16mm film for \$700 or on videotape for \$325. Inquiries on purchasing (or renting) the longer version should be addressed to Prof. James B. Mass, 214 (1st Hall, Cornell University, Ithaca, New York 14853).

The master version is available for purchase from Mudson Talking Pictures Service at a cost of \$375.

Credits:

Produced by General Motors Corporation
Foot Courtesy of Department of Psychology,
Cornell University

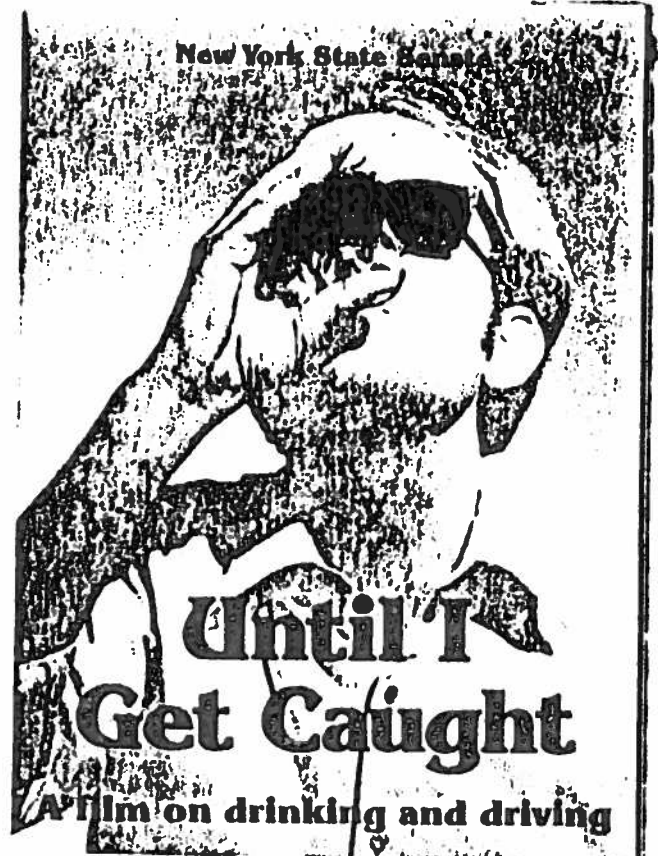


EXHIBIT C

Each year, there are millions of new drivers who take to the roads in the United States. Most are new to drinking as well as driving. They are taught to handle a car carefully, to respect traffic laws, to avoid risks. But how much do they know about the dangers of drinking and driving?



"Until I Got Caught" is a 27 minute film on the dangers, injuries and deaths involved in drinking and driving in America. The film was produced by the Department of Psychology at Cornell University.

In this documentary, information is given to explain what drunken driving is, what it does to people, what attitudes suggest it and how people can try to change these attitudes. The film also explains the need to slow drunken driving tragedies as if they involved each of us personally; and, indeed, they could and probably will. The film makes the point that behind all the statistics, there are real people who have their lives torn apart by accidents that could have been prevented.

Drunken Driving: What Are The Dangers?

Why would drinking under the influence of alcohol be the best plan there is no doubt that it is dangerous, not only to others but to others as well. According to the U.S. Department of Transportation, of the 40,000 or so highway traffic deaths each year, about half are alcohol related.

There are striking figures about how the possibility of death increases when someone who has been drinking gets behind the wheel of a car. The legal limit in most states is .08% BAC (Blood Alcohol Content). That is, drivers may have no more than 1 part of alcohol in their blood for every 1000 parts of blood (This breaks about four times as an hour for any average 100 pound man.)

Dr. John F. Sinden of the University of North Carolina Medical School explains



that at .08% BAC, which is below the legal limit, a person is 4 times more likely to be involved in a fatal accident than if he or she were not drinking. At .10%, a driver is 7 times more likely; at .15%, 25 times more likely. At .20%, the level at which most persons are convicted, a person is 100 times more likely to be involved in a fatal accident.

Why Is Drunken Driving So Prevalent?

One reason is that some people think drinking and driving are socially acceptable. Even the worst drinkers are apt to think "it will be all right just this one time," or "being killed or killing another person is something that happens to others — not to me." So many take the risk.

A second reason is that, when they take the risk, there is little chance they will be caught. Studies show that each



police arrest an average of only two people a year for drunken driving.

There is a final reason, especially for young drivers. If they admit their reluctance to drive after drinking, some believe this would make them appear weak and unheroic. So going along with the crowd is the norm, and an especially sticky one to live by, since young people are inexperienced in coping with the effects of alcohol as well as in driving after drinking.

What Will Change Attitudes?

For change to come about, there must be a combination of education, legislation and enforcement. Drivers must understand what tolerance does to their skills and be aware of the risks of drinking while under the influence of alcohol. Legislation must exist which penalizes those who risk endangering other people's lives and property. And enforcement must increase

the chance of the drinker being caught.

Education is the starting point because it can help shape good driver attitudes in the beginning and also improve attitudes at any time. People should know first of all the risks involved in drinking and driving. They should understand the legal limits of alcohol



driving skills are impaired below the legal limit and this fact shows how arbitrary the U.S. system is. Those arrested for drinking while intoxicated are often allowed to plead guilty to a lesser offense. A surprising number of people arrested for drinking while drunk are allowed to continue driving, even though Motor Vehicle Divisions have the authority to revoke their licenses without a court proceeding. The woman in the film who had her husband and son convinced that the driver who killed them was arrested twice before the accident that shattered her family's life. He was still driving six months after the accident.

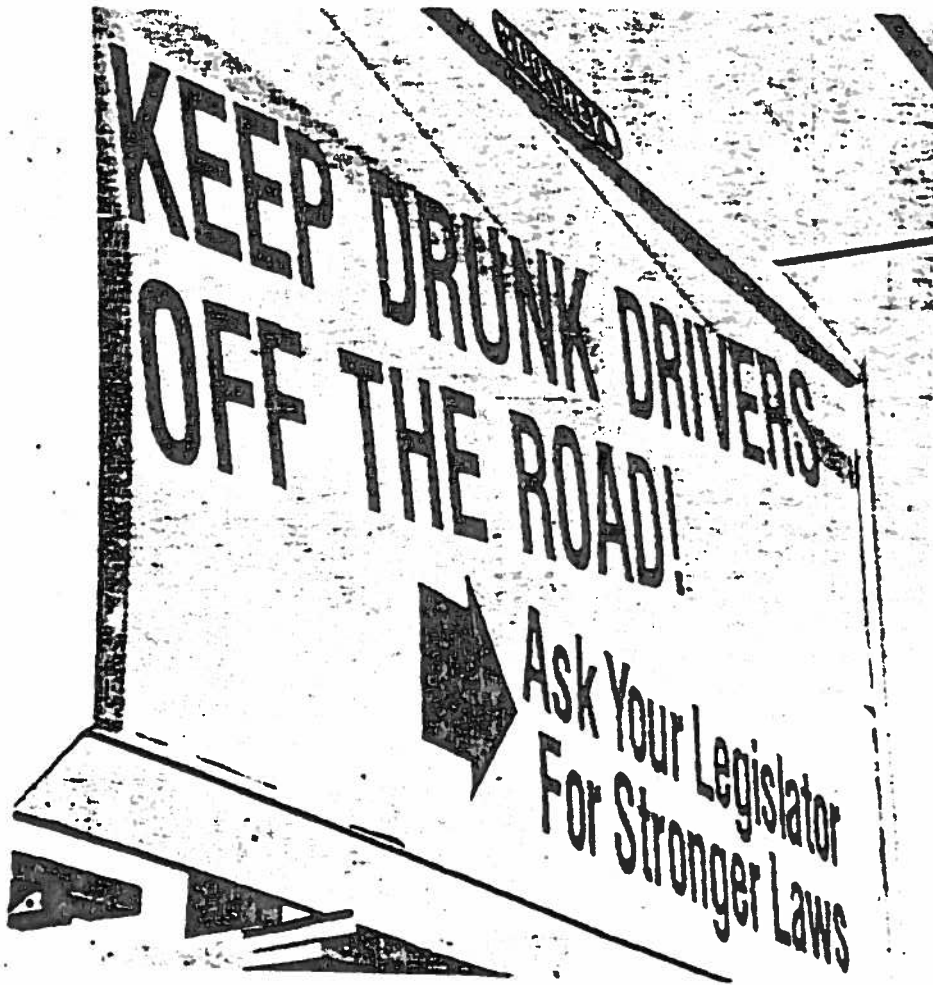
Stricter application of drinking drive laws must be accompanied by improved enforcement. If there is little chance of getting caught, drivers will not obey the law. If enforcement is given a high priority as in the film's Massachusetts example where arrests went from 500 to 10,000 a year, drivers become aware that they may be stopped. Education, legislation and enforcement are not enough by themselves. They must go together.

Legislation brings a severe penalty — fines, loss of license and a much greater chance of going to jail. And enforcement, including penalties for random checks on drivers, is more thorough. By these methods, Sweden has lowered the number of deaths related to drunken driving — thus showing that it is possible to do so and that the American public's acceptance of this issue is wrong. Something can be done.

concentration in the blood and be able to tolerate these in terms of number of drinks. And finally, they should also realize that no remedy (such as coffee or a cold shower) can do anything to sober up a person who has had too much to drink. The alcohol must be absorbed and its toxic elements neutralized by the body, and this takes quite a bit of time — on an average about an hour for each ounce of alcohol in the body.

Education is important but not sufficient by itself. Behavior must change, and one of the best ways to achieve that is through strict laws. Laws force bad attitudes to act differently.

In the public's mind, the law on drunken driving in this country are strict. But in reality they are not. Actually,



THE CONCERNED CITIZENS OF NEVADA WANT TO TAKE THIS OPPORTUNITY TO PLEAD A MATTER OF GREAT IMPORT AND DIRE CONSEQUENCE.

THE OCCURRENCE OF DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL HAS BECOME SO COMMON IN OUR STATE THAT THE TRAGEDY OF ACCIDENT, ECONOMIC LOSS, AND DEATH TOUCHES MORE OF US THAN EVER BEFORE. MORE TRAGICALLY, THE MENACE OF DRUNKEN DRIVERS HAS CAUSED SOME FAMILIES TO LOSE SEVERAL DIRECTLY RELATED MEMBERS IN DIFFERENT ACCIDENTS OVER A SHORT PERIOD OF YEARS.

WE APPEAL TO YOUR COMPASSION FOR THOSE OF US WHO HAVE SUFFERED GREATLY AT THE HANDS OF CALLOUS BAR MEN, IRRESPONSIBLE DRINKING INDIVIDUALS, AND INSENSITIVE JUDGES. WE ASK YOU TO WEIGH OUR LOSS AGAINST THE PRIVILEGE, SPECIAL CONSIDERATION, LENIENCY GIVEN TO THOSE WHO WASTE OUR TAX DOLLARS, DAMAGE OUR PROPERTY, AND KILL OUR SONS, DAUGHTERS, HUSBANDS AND WIVES.

UPON YOUR JUDGEMENT, YOUR COMPASSION AND YOUR ABILITY TO ACT HANGS THE WHOLE REMEDY OF OUR GREAT LOSS AND THE MOMENT TO RIGHT A GRIEVOUS WRONG. UPON YOUR VOTE LAYS THE SAFETY OF OUR CHILDREN, BROTHERS AND SISTERS, MOTHERS AND FATHERS.

WE, THE PEOPLE OF THIS STATE, ASK YOU TO SIGN INTO LAW THE MEANS AND THE METHOD TO PROTECT US FROM THE EVER GROWING FACT OF SENSELESS, DRUNKEN DRIVERS.

Mrs. Ray Ceccarelli
Mrs. Ray Ceccarelli, Chairman
Concerned Citizens
&
Victims of Drunk Drivers

STATISTICS

--D.U.I. defedents paid fines of \$622,355, an average of \$123.16.

--The National Safety Council credits drunk drivers in 1978 with about 26,000 deaths.

--The Nevada Department of Transportation in 1978 listed 271 fatal accidents, killing 312 persons.

--Fatal Analysis: January - December, 1978

Fatal Accidents - 271
Persons Killed - 312
Had Been Drinking - 152 or 56.1%

--Deputy District Attorney L. J. O'Neal said that drunk driving has not been taken seriously in Nevada, which has the highest number of traffic fatalities per vehicular mile in the United States.

--Fernley - Canal Township Justice of the Peace Steve Lehman: "In the past year, 14 of 18 accidents involved people who were either intoxicated or on drugs."

--Legislative Council Bureau -. State of Nevada - 11-month period, 1979: D.U.I. arrests: 7,922; convictions: 2,447.

UNIFORM VEHICLE CODE

Under the Uniform Vehicle Code, a person convicted of driving under the influence may be imprisoned for not less than ten days nor more than one year on a first conviction, and for not less than 90 days nor more than one year on any subsequent conviction.

Twenty-five states follow the Uniform Vehicle Code in authorizing a maximum one-year confinement. Fourteen states have a maximum period of confinement for driving while under the influence of greater than one year. Twelve states, including Nevada, have a maximum period of confinement of less than one year.

ARRESTS AND CONVICTIONS

The Department of Law Enforcement Assistance indicates that there were 13,812 DUI arrests in 1978. The department only shows 2,704 charged with the offense and 988 found guilty of the DUI charge. Mr. John Compston, with the Department of Law Enforcement Assistance, advises that the reporting of about 4,000-5,000 DUI cases "falls between the cracks" each year. The Department of Motor Vehicles can account for 9,274 DUI convictions during 1978.

According to the court clerk's office in Washoe County, the DUI convictions there in 1978 resulted in \$159,623. In Clark County during 1978, the court clerk estimates that two-thirds of their "DUI" convictions are reduced to reckless driving and that if the remaining one-third receive a fine it would probably be no more than \$150.00.

PLEA BARGAINING

According to an article in the Nevada Appeal December 22, 1980, banning plea bargaining does "not" bog down the courts. Alaska has banned plea bargaining, however, it is still allowed in all the other states. A study funded by the National Institute of Justice, said that the state's experiment with plea bargaining which began in 1975 contradicted the views of most people that defendants would not plead guilty causing a huge backlog of court cases. "Court processes did not bog down," the study said. Although there was a big increase in the trial rate--97 percent in Anchorage, for example--the caseload did not become unmanageable. Defendants continued to plead guilty at about the same rate as before.

PENALTIES FOR DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

Traffic Laws Annotated 11.902(c)

Within Yrs. of
Prior Conviction

State	/-----First Conviction-----/						/-----Second or Subsequent Conviction-----/				
	10 days to	1 yr.	&/or	\$100 to	\$1000		90 days to	1 yr.	&	-	to \$1000 (or more)
Alabama	-	1	X	100	1000	-	-	1	&/or	100	1000
Alaska	-	1	X	-	1000	5	3-days mand.	-	-	-	-
Arizona*	10	6 mos.	&/or	100	300	2	20	6 mos.	&/or	150	300
Arkansas*	1	30 days	&	50	500	1	-	1	X	250	1000
California*	2	6 mos.	&/or	250	500	5	2	1	&	250	1000
Colorado*	10	1	&/or	100	1000	5	90	1 mand.	X	100	1000
Connecticut*	-	6 mos.	X	150	500	-	60	1	-	-	-
Delaware	60	6 mos.	X	200	1000	5	60	1 1/2	X	500	2000
Florida*	-	6 mos.	X	25	500	3	10	6 mos.	X	-	500
Georgia*	-	-	-	-	-	3	-	15 days	-	-	-
Hawaii	-	1	X	-	1000	-	-	-	-	-	-
Idaho*	-	6 mos.	X	-	300	-	-	5	-	-	-
Illinois	2	1	X	100	1000	5	90	1	X	-	1000
Indiana*	5	6 mos.	X	25	500	3	5	1	X	250	1000
Iowa*	-	1	X	300	1000	-	-	1	&/or	500	1000
Kansas	-	1	X	100	500	-	90	1	X	-	500
Kentucky*	-	-	-	100	500	-	-	6 mos.	X	100	500
Louisiana*	30	6 mos.	X	125	400	5	125	6 mos.	X	125	500
Maine	-	90 days	&/or	-	1000	-	24 hours	6 mos. mand. &	250	2500	-
Maryland*	-	1	X	-	1000	-	-	2	X	-	1000
Massachusetts	14	2	X	35	1000	-	-	-	-	-	-
Michigan*	-	90 days	X	50	100	-	-	1	X	-	1000
Minnesota*	10	90 days	or	10	100	3	10	90 days	-	-	-
Mississippi*	10	1	X	100	1000	-	-	-	-	-	-
Missouri*	-	3 mos.	X	-	50	3	7 days	6 mos.	-	-	-
Montana*	-	6 mos.	X	100	500	-	10	6 mos.	X	300	500

Nebraska	-	1 mos.	X	-	100	-	5	1 mos.	X	-	300
Nevada ^a	-	-	-	-	-	3	10	6 mos.	£/or	100	500
New Hampshire ^a	Deleted penalties from drunk driving laws.					(Criminal) code provides a penalty of up to 1 yr. in jail and/or \$1000.					
New Jersey ^a	10	1 mos.	X	200	500	-	3 mos.	-	-	-	-
New Mexico	30	90 days	X	100	200	-	90	1	X	-	1000
New York ^a	-	1	X	-	500	10	60	2	£/or	200	2000
North Carolina ^a	30	6 mos.	X	100	500	-	2 mos.	6 mos.	£/or	200	500
North Dakota ^a	1	30 days	£/or	-	100	1 1/2	3	30 days	X	150	500
Ohio	3 mand.	6 mos.	£/or	-	1000	-	-	-	-	-	-
Oklahoma	10	1	£	100	300	-	1 yr.	5	X	300	500
Oregon	-	1	X	-	1000	-	-	-	-	-	-
Pennsylvania ^a	-	3	X	100	-	-	-	-	-	-	-
Rhode Island ^a	-	1	X	-	500	-	-	-	-	-	-
South Carolina ^a	10	30 days	or	50	100	10	1	-	£/or	1000	-
South Dakota	-	90 days	£/or	-	300	-	30	6 mos.	£/or	100	500
Tennessee ^a	2	1	£	10	500	-	5	1	X	25	750
Texas ^a	3	2	£	50	500	-	10	2	£/or	100	5000
Utah ^a	30	6 mos.	£/or	100	299	-	-	-	-	-	-
Vermont ^a	-	1	£/or	-	125	-	-	-	-	-	-
Virginia ^a	30	6 mos.	X	200	1000	10	1 mo.	1	X	200	1000
Washington ^a	5	1	£	50	500	5	30	1	£	100	1000
West Virginia ^a	1	6 mos.	£	50	500	5	6 mos.	1	-	-	-
Wisconsin ^a	-	-	X	-	-	5	5	-	X	-	500
Wyoming	-	30 days	X	-	100	-	-	60 days	£/or	-	200
District of Columbia	-	6 mos.	£/or	-	500	-	-	1	£/or	-	1000

^aSee Appendix

TRAFFIC ACCIDENTS INVOLVING DUI DRIVERS*
1971 THROUGH 1980

DUI ACCIDENTS

Year	Property Damage Accidents	Injury Accidents	Fatal Accidents	Total Injury Victims	Total Fatal Victims	Total Accidents
1971	855	578	65	954	70	14 98
1972	1052	705	69	1153	83	1826
1973	1090	703	76	1121	93	1869
1974	1026	710	72	1154	79	1808
1975	1030	717	73	1190	82	1820
1976	1117	737	52	1198	61	1906
1977	1239	906	85	1490	91	2230
1978	1447	1045	99	1833	117	2591
1979	1476	1037	125	1819	148	2638

1980 Statistics not complete at this date.

As of Nov. 1, 1979, 7 persons were in Nevada prisons for felony drunk driving.

TOTAL ACCIDENTS FOR THE CALENDAR YEARS

1971 = 20929	1976 = 23655
1972 = 22035	1977 = 26155
1973 = 23709	1978 = 31582
1974 = 21639	1979 = 32476
1975 = 22223	1980 = Not yet available.

*Pertains only to drivers cited for driving under the influence of alcohol

Facts courtesy of B. W. Ross, Assistant Director of Nevada State Department of Transportation

10-5-80 LVS

The Ceccarelli Story

Mrs. Raymond Ceccarelli came to Las Vegas last week with a message every Nevadan should hear. The lady from Washoe County believes people who drink and drive under the influence of alcohol or other drugs should be looking at the world from behind jail bars. Strong language, to say the least.

Is Mrs. Ceccarelli some kind of an intolerant zealot without feelings for people with problems? No, she is a lady who lost her first husband, two sons and a 20-year-old daughter in accidents with vehicles driven by intoxicated people. She is angry and has set out to keep others from suffering the losses she has felt.

She is pushing legislation which in rough form would do as follows:

- A first offender would lose his driving privileges for 90 days. Without exception, first-time DUI offenders must attend an alcohol education course administered by the Office of Traffic Safety. If arrested without a license, he would be hit with a 30-day jail sentence and an additional fine.

- The second time a person is arrested on DUI, the penalty is a mandatory 15-day jail sentence and a fine up to \$1,000. His driver's license would be revoked for six months. First and second offenders are guilty of a misdemeanor.

- Should a person's record be marked with a third DUI arrest, it automatically becomes a felony. Upon conviction, the offender will serve between one to six years in a state prison and be fined from \$2,000 to \$5,000. A person charged with DUI for the third time cannot cop a plea for a lesser charge, such as reckless driving.

Pretty tough stuff coming from a nice looking lady from northern Nevada. Then again, just how much suffering can we expect one person to tolerate during the short period humans are allowed on this earth? It won't bring back her loved ones, but it may save yours and mine.

THIS ARTICLE IS THE SAME
EXPERIENCE I HAD TO LIVE WITH.
DRUNK DRIVER KILLING MY
HUSBAND AND TWO SONS.

Mrs. Ray Ceccarelli

We get letters Feb. 19, 1980

CARSON CITY-NEVADA APPEAL

Family tragedy where is justice?

TO THE EDITOR:

Buried on page 5 of Sunday's Nevada Appeal was an obscure but absolutely horrifying story of a family that was slaughtered by a drunken driver. When I received a phone call from friends informing me of the senseless tragedy through my total disbelief and tears all I could ask myself was one question — why?

Why had this beautiful and wonderful family, who had been dear friends for a number of years, been so unjustly wrought with this tragedy? When I received another phone call from my friend's father asking me to go to their house to look for insurance or other papers I asked myself the same question — why? When we got to their house, a beautiful house built by a father for his wife and daughters so they could be happy and enjoy a peaceful and happy life, tragedy and the one-time happiness of this family surrounded me.

A tastefully and beautifully decorated nursery bedroom for an 8-month-old baby stood in front of me. Tears rolled down my face as I thought back eight months ago to how happy the family was when their third child was born. In two other bedrooms, one for a 4-year-old girl and one for a 7-year-old child, love was evident all around me — Christmas presents and pictures of a once-together and happy family. In the living room were many pictures of the family together and separate, along with a Valentine's Day card from a husband to his wife telling her how much he loved and needed her. As I made my way into the master bedroom to look for some papers, wedding albums and many boxes of other pictures of a once happy and together family stared at me in the face. Everywhere I looked, love stared at me. Three wonderful children, a loving mother and wife, a wonderful husband and friend who loved his family, who would do anything for his friends.

Suddenly, all that is changed. In one senseless moment a drunken driver appeared in this family's lives. A mother, an 8-year-old child and a 4-year-old child are to be buried this week. A father and husband lies in a coma in critical condition on a breathing machine. A 7-year-old girl lies recovering in a hospital, knowing she will never see her mother or sisters again; and not knowing whether her father will live or die. Countless friends and relatives will mourn in a state of shock, praying for a father to survive. And then there is a 19-year-old drunken driver, released on \$5,000 bail, probably sitting in his living room drinking a beer.

Since the weekend, rain has been constantly falling both here and in Southern California, where this tragedy occurred: Is God crying for a mistake that he made? It has to be a mistake to have slaughtered this innocent and wonderful family. The wrong people have to have been taken. If anybody, anywhere can tell me the reasons and justice for this tragedy, please let me know. Meanwhile, John, our prayers are with you to recover and be strong and raise your surviving daughter with all the love you have in you.

MICHAEL MINTZER
Carson City



Fatal collision

A Carson City Sheriff's Department spokesman said recently preliminary investigations indicate a truck driven by Antonio Galvan of Carson City, struck a truck driven by Eugene Pieretti broadside with such force that the bed of Pieretti's vehicle, left, was knocked off the

frame. Pieretti and his son Matthew died from injuries suffered in the wreck at Cehler Drive and Clear Creek Avenue. All five accident victims had to be extricated from the vehicles and taken to hospitals by ambulance. (Appeal photo by Andre Ney)

THE DRUNK DRIVER WHO CAUSED THE ABOVE-PICTURED ACCIDENT WAS DRIVING WITH A REVOKED LICENSE.

SAMPLES OF NEVADA
VICTIMS AND RESULTS OF CASES

1. Mrs. Ray Ceccarelli

Killed--Daughter (Joan A.), age 20, August 17, 1979. No record of D.U.I.'s, however, nurses at Washoe Medical Center recognized drunk driver as having been there before. (30 years ago Mrs. Ceccarelli lost a husband and two sons who were killed by two teenagers who had no insurance, no driver's license, received no jail and were put on PROBATION.)

Result of Hearing--Received 90 days in jail, no fine, no rehabilitation, still driving right after accident, no license suspension. Served 60 days in county jail and got off on good behavior.

2. Mrs. Jane Pena

Mrs. Pena, pregnant, and two children, July 5, 1977. Two seriously injured, unborn child murdered, and one hospitalized in guarded condition.

Result of Hearing--License revoked one year; however, can drive to and from work--precisely what he was doing when he hit Mrs. Pena and family. Five previous D.U.I.'s. No rehabilitation required and no jail. Driver uninsured.

3. Mrs. Vernita Funk

Lost her son Dennis, 32, his girlfriend Sherri, January, 1979. When body claimed in Las Vegas was told drunk driver had 7 D.U.I.'s, one or two invalid licenses, no insurance.

Result of Hearing--All D.U.I.'s wiped out, no fines, no rehabilitation, and still drives. He was given 6 months, week-ends only, with possibility of probation. Hearing held December, 1979.

4. Karen Newport

Three victims, July 30, 1979. Drunk driver fell asleep at wheel. Karen needs four years of continuous medical care.

Result of Hearing--Drunk driver repeated offender, third accident she caused. D.U.I. changed to reckless driving, 6 months probation but fined \$415.00.

5. Sue Beauchamp

Three victims--son, daughter-in-law and grandson, 1980. All hospitalized, grandson for two months. Drunk driver had previous citations (2 in 1980).

Result of Hearing--Closed hearing on January 21, 1981, in Elko.

6. Robert McDonald

Lost father, step-mother and 7-year old sister, January 21, 1979, on Hwy. 95-A at Wabuska, NV (Lyon Co.). Offender had juvenile record and 4 adult arrests--1 felony, 3 misdemeanors.

Result of Hearing--Given 4 years probation during which time cannot drink or possess alcohol. He could serve 4 months in Lyon Co. jail or 640 hours in a work program. He was told to go into an alcohol rehabilitation program. DRIVER'S LICENSE REVOKED FOR 3 YEARS; HOWEVER, PERMIT TO DRIVE TO AND FROM WORK TO BE DETERMINED BY PROBATION AND PAROLE. No fine. The case was plea bargained from 3 counts of manslaughter to 1.

7. Mr. and Mrs. John Oppenheimer
Daughter Cindy, age 19, killed on Hwy. 395, 1978.
Result of Hearing--Drunk driver was 1/10 of 1% below blood alcohol test, SO CASE WAS DISMISSED.

8. Mr. and Mrs. Daris Cable
Daughter, age 21, killed on Hwy. 395, 1978.
Result of Hearing--No fine, no rehabilitation, put on probation.

9. Donna Goodacre
Hit in two separate car accidents by drunk drivers. Left her physically injured.
First accident--received a lower back injury resulting in degenerative arthritis, and car totally demolished, 1976.
Result of Hearing--\$150.00 fine, no insurance, no jail.
Second accident--3 victims. Second car totalled by 17-year old drunk boy, 1977. He hit four other cars. The last one head-on which contained two girls who were seriously injured. Mrs. Goodacre received a severe reoccurrence of the lower back injury and an upper back injury. She lives in constant pain.
Result of Hearing--no insurance, drunk driver fined \$250.00. DID NOT EVEN LOSE HIS LICENSE.

10. Mr. and Mrs. Paul Leonard
Son killed, age 24, 1977.
Result of Hearing--probation.

ENDORSEMENTS

1. President Carter's Administration gave its support to legislation by Senator Claiborne Pell (D-R.I.) which would require establishment of comprehensive alcohol traffic-safety programs in all states and impose uniformly stiff penalties for those convicted of driving under the influence.

The Administration also supported MANDATORY license suspensions and revocations as the most effective deterrent to future drunk driving by those convicted.

Pell's bill would require states, as a condition of receiving federal highway safety funds, to enact minimum criminal penalties of 10 days imprisonment or 10 days alternative community service for any convicted drunken driver. It also would require participation in an alcohol treatment or safe driving program.

Administrator Joan Claybrook, National Highway
Traffic Safety

2. Carson City Board of Supervisors.
3. Sparks City Council.
4. National Conference of Christian and Jews, Las Vegas, Nevada.
5. Reno City Council endorses subject legislative proposal specifically.
6. County Commissioners.
7. The Greater Nevada Health Systems Agency.
8. Department of Human Resources.
9. B & C Building Supplies, Sparks, Nevada.
10. Sierra Nevada Motor Repair, Sparks, Nevada.
11. Mini Camper Sales, Sparks, Nevada.
12. Bob Feldman, Representative of All Risk Insurance, Las Vegas, Nevada.
Sunday, March 9, 1980, Gazette-Journal, Reno, Nevada.

He said there are valid reasons when tickets are issued but "the courts" traffic judges are making shambles of our system by dismissing traffic tickets and reducing D.U.I. to speeding tickets. "Judges are either stupid or performing political favors," he said.

13. The following legislators who indicate their support:

Bill D. Brady, Assemblyman
Sue Wagner, State Senator
James N. Kosinski, State Senator
Cliff McCorkle, State Senator
William Raggio, State Senator
Alan Glover, Assemblyman
Jean Ford, State Senator
Joseph Dini, Jr., Assemblyman

"Spike" Wilson, State Senator
Robert Rusk, Assemblyman
Erik Beyer, Assemblyman
Dave Nicholas, Assemblyman
Michael Malone, Assemblyman
Roger Brener, Assemblyman
Robert Sader, Assemblyman
Patty Cafferata, Assemblyman

14. Individuals indicating their support:

Paul Laxalt, U. S. Senator
Richard Bryan, Attorney General
G. P. Etcheverry, Executive Director, Nevada League of Cities
Robert Weise, past Nevada Assemblyman
William McDonald, District Attorney, Humboldt County,
Winnemucca, Nevada
Municipal Judge Steve Dollinger, Reno, Nevada
John Mowbray, Supreme Court of Nevada
Florence McClure, Director, Community Action Against Rape,
Las Vegas, Nevada
Thelma Smid, Nevada Safety Council, Las Vegas, Nevada

15. SIGNATURES ENDORSING STRONGER D.U.I. LAWS FROM CONCERNED CITIZENS
ALL OVER THE STATE OF NEVADA: 1,834

NEVADA STATE JOURNAL, Sunday, July 6, 1980

Walt Kinney, Police Officer on the D.U.I. problem--

"The judges have strange ways of dealing with the D.U.I. cases. We put them in jail, the judges let them out."

Municipal Judge Steve Dollinger--

"Make the enforcement and penalties so stiff that the town of Reno gets a reputation: you don't drive and drink here."

Judge Peter Breen--

"Drunken driving is the only area where maybe uniformity and consistency in the laws would work. If there's a known consequence, a certainty of punishment, in some form, some kind of incarceration, built into law itself, so everybody knows."

Bringing up the question of leniency with judges rattled a few chamber doors. One judge didn't want to discuss it. "You're opening up a mess," he said.

REVIEW JOURNAL, Las Vegas, Nevada, December 19, 1980

CRIMINAL DRUNKS

"What makes people consider the D.U.I. driver the victim? When are people, courts, and laws going to get with it? Quit babying these people who are picked up for D.U.I. They sure wouldn't baby them if they had walked up to the car and shot them, would they? That would be considered open murder.

"Instead of people saying, 'What if that was me driving the car?' they should be thinking 'What if that was a loved one of mine!'

"THE LAWS HAVE GOT TO BE CHANGED! IT'S NOT AN ACCIDENT WHEN YOU TAKE A LIFE, if you're stupid enough to drive while on drugs and alcohol."

NEVADA STATE JOURNAL, July 6, 1980

A prominent Las Vegas judge said: "State Supreme Court justices are letting personal disputes get in the way of professional responsibility and are doing an unsatisfactory job of setting clear legal precedent." He also rebuked the justices for misstating facts in some opinions and for not having the faintest idea of what goes on in a trial court.

SPARKS TRIBUNE, 1980

"Legislation, to be effective, must be sufficiently stringent and armed with deterrent penalties that will discourage drunken driving."

SPARKS TRIBUNE, May, 1980

Report by Municipal Judge John Morrison--

"What is needed is clarification on the part of the legislature as to the intent of the law.

"It was also pointed out that some defendants are released and again allowed to drive, even after they have missed a number of the mandated weekly sessions without being required to make them up."

DAVE NICHOLAS, ASSEMBLYMAN

Letters to voters in his district--

Polling sample of 1,000: 72% favored increased penalties for D.U.I., 17.5% against, and 10.5% undecided.

TRIPLE A - MOTORLAND MAGAZINE, November-December, 1980 Issue

"Drunk drivers have almost nothing to fear from the system. They kill, maim and seriously injure innocent victims and they often get away with it.

"But the fact is that all these arrests, and all the resulting convictions and license suspensions, aren't really solving the problem. We're being far too lenient with drunk drivers. They're killing and injuring thousands of innocent people, and causing staggering financial losses. IT'S TIME FOR THE PUBLIC TO RECOGNIZE JUST HOW SERIOUS THE PROBLEM IS."

KOLO-TV DIMENSION 8, Sunday, July 13, 1980

Bart Jacka, Director, Department of Motor Vehicles
Jim Allison, Nevada Highway Patrol, Reno, Nevada

Both spent a good portion of their program time explaining about the pains they take to produce evidential material which will keep the drunk drivers off the road only to have the judges "play their games." (We assume that "play their games" means that the judges are not doing their jobs.)

READERS DIGEST, January, 1981

"They've Killed My Daughter Twice"--

The National Highway Traffic Safety Administration conservatively estimates the dollar cost of this alcohol-induced mayhem at \$5 BILLION a year, if a dollar cost can be associated with such massive loss of life.

Why is it that for every 2000 drunks on the road at a given time, only one is arrested? And why is it that that lone individual's chances of receiving a stiff fine, revocation or suspension of license, even a jail term, are MATHEMATICALLY INSIGNIFICANT?

ISN'T IT TIME WE GOT SERIOUS ABOUT THE PROBLEM?

Editors, Readers Digest '81

READERS DIGEST, January, 1981

According to the National Highway Traffic Safety Administration, on any given weekend night, ONE OUT OF EVERY TEN DRIVERS ON OUR HIGHWAYS IS DRUNK.

Roughly, ONE-HALF of all fatal highway accidents--which average between 50,000 and 55,000 year after year--involve alcohol.

NEVADA APPEAL, 1981

We the 6th period Driver Education class of Carson High School direct this letter to the judicial and traffic system of the State of Nevada.

Why abide by the law if it's not going to be enforced?

In the December 2, 1980 issue of the Nevada Appeal it states that Mr. Antony Galven has received a total of eight D.U.I. with the 9th resulting in the death of two innocent lives. The Nevada Handbook states that the license must be revoked and the judge may punish by confinement in the county jail for not less than ten days or more than six months. Mr. Galven had two of the eight D.U.I. within three months, but yet no mention of being taken off the road by confinement in jail.

Besides having his license removed, why wasn't any action taken to remove him from our highways? What we read is that each time he was convicted of a D.U.I. his hands were merely slapped. Why?

Causing death to another while driving under the influence of alcohol is a felony in Nevada, the sentence being 1 to 6 years imprisonment and a fine of up to \$5,000. It will be interesting to see the kind of sentence that is passed for murdering two people--or will it be another slap?

6th PERIOD DRIVER
EDUCATION CLASS
CINDY ADAMS
Representative of Class

STATE OF NEVADA
DEPARTMENT OF MOTOR VEHICLES

MEMORANDUM

February 5, 1981

To CHAIRMAN BLAKEMORE

SENATE TRANSPORTATION COMMITTEE

From SHARON P. ALCAMO, DRIVER'S LICENSE DIVISION *Sharon Alcamo*

Subject: SENATE BILL 83

I would appreciate your entering this into the official record of testimony for SB 83.

It was sent to Senator McCorkle by Mr. Jacka outlining the basic points which I covered in my testimony before the Transportation Committee on January 3, 1981.

Thank you for your assistance.



DEPARTMENT OF MOTOR VEHICLES

555 WRIGHT WAY

CARSON CITY, NEVADA 89711

(702) 885-5375

January 16, 1981

Senator Cliff McCorkle
2782 Lakeridge Shores East
Reno, NV 89509

Dear Senator McCorkle:

Reference is made to BDR 43-431 which increases the punishment for driving under the influence of intoxicants.

The following comments are offered concerning the proposed bill draft:

NEW LANGUAGE - SECTION 484.379.3:

The draft states "the court shall sentence him to 40 hours of physical labor." It is suggested the language be more definitive by specifying the agency(s) to which the violator would be assigned, who would supervise the activity, and who would provide a report to the court upon completion. For example, you may want to amend the wording to allow for the physical labor to be performed under the auspices of the Department of Transportation which has field offices throughout the State as well as to the need for additional manpower to perform highway maintenance tasks.

The bill draft also states the violator should be ordered "to attend, and pay tuition for, educational courses on the use and abuse of alcohol and controlled substances given by the Department of Motor Vehicles..." The word given should be amended to approved. The Department does not present the actual Traffic Safety School courses nor does it currently have the capability to do so. It does, however, evaluate, monitor, and approve or disapprove the course content, instructor, and facility of Traffic Safety Schools for eligibility to remove three demerit points from the driving record of any student who successfully completes the course. (NRS 483.470.6)

NEW LANGUAGE - 484.379.3(a):

This section directs "the department of motor vehicles suspend his driver's license" upon the first offense. While the present law gives the judge the discretionary power to suspend a license for up to one year for a first DUI, it has not been an automatic action taken by the Department unless specifically directed by the court. In the few cases this has occurred, the violator has been eligible to apply for a restricted driver's license because the type of license withdrawal action was a suspension.

It is recommended, because this action is to be automatically taken by the Department, the word suspend be changed to revoke to make it consistent with the current law and licensing procedures throughout the United States. Additionally, a revocation is used for more serious offenses and is permanent as compared to a suspension which is temporary.

Also, if the wording is changed to revoke, it would not be necessary to include the phrase "not to allow him any limited driving privileges" because the current law prohibits the issuance of a restricted driver's license until one year of the revocation period has been served.

NEW LANGUAGE - 484.379.4(a):

The suggested penalty for a second DUI which is, "...direct the department of motor vehicles to suspend his license for not less than 6 months," would be less stringent than our current law. Consideration may be given to maintaining the present law as it pertains to the Department of Motor Vehicle's responsibility. It is:

483.460.1

"Unless otherwise provided by law, the department shall forthwith revoke, for a period of 1 year, the license of any driver upon receiving a record of such driver's conviction of any of the following offenses, when such conviction has become final:

(f) A second or subsequent conviction after 3 years but within 7 years of a prior conviction for driving under the influence of intoxicating liquor or any controlled substance."

483.460.2

"The department shall revoke for 2 years the license of any driver convicted of a second or subsequent offense within 3 years of a prior conviction for driving under the influence of intoxicating liquor or any controlled substance."

It is also evident, the intent of the proposed bill is to disallow the issuance of a restricted license for limited driving privileges. With this in mind, you may wish to consider deleting NRS 483.490.2 which is as follows:

[The department may, after the expiration of 1 year from the date of revocation of a license and when the period of revocation exceeds 1 year, issue a driver's license to an applicant permitting the applicant to drive a motor vehicle for purposes of his employment only, if the department is satisfied that a severe hardship exists.]

NEW LANGUAGE - 484.379.5:

The proposed language states the driver's license should remain suspended after the second DUI conviction until he is certified by a physician as no longer using alcohol or a controlled substance.

Senator Cliff McCorkle
January 16, 1981
Page 3 (cont)

I would recommend this requirement be imposed at three (3) DUI convictions rather than two (2). The volume would be more manageable and the increased number would appear to be more indicative of an actual abuse problem.

You may also want to consider expanding who would be eligible to certify a violator beyond just a physician to possibly include a psychiatrist, psychologist, and a certified drug and alcohol abuse counselor to name a few.

Lastly, it may be unrealistic to ask a medical person to certify that someone no longer uses alcohol or a controlled substance. The wording may be changed to require a medical report describing the person's ailment and its affect on the person's ability to safely operate a motor vehicle.

The suggestions, as they pertain to this section, are consistent with the procedure in our proposed Rules and Regulations Providing for the Eligibility of Physically and Mentally Disabled Persons to Receive Driving Privileges. A copy of the proposed rules and regulations is enclosed for your information.

NEW LANGUAGE - 484.379.6

For consistency, it is suggested the word suspended appearing on the third line of subsection 6 be changed to revoked.

Additionally, because the bill draft provides for the imprisonment of a violator for a third or subsequent offense, it is suggested the wording or subsequent offense be removed from 483.460.1 and 483.460.2 which was previously cited in this letter. This would have the effect of precluding the Department from revoking the license, but the proposed penalty in your bill draft is far more severe than a mere license revocation and the revocation would become moot if a person were imprisoned from 1 to 6 years.

Please contact me if you require additional information.

Very truly yours,

Barton Jacka, Director

BJ:klb

Enclosure: Rules & Regulations