

him, but any proposal would have to get past the close scrutiny of lawyer-legislators who are often paid to defend drunk drivers in court.

Hardison predicts strong legislative support for a program that would get tougher with drunk drivers — harsher sentences and fines, less chance for plea bargaining. But if Hunt tries to raise the drinking age from 18 to 21, he'll be in for a scrap, Hardison says.

Other items likely to come before the legislature include:

- **Sales Tax.** Local government officials want the authority to increase the local sales tax by a penny. The State Board of Education also favors a statewide penny increase in the sales tax as a way of paying for the \$1.8 billion worth of school construction needs it says the state has.

- **Inventory Tax.** Businessmen want the inven-

Drunk Driving Proposals Go Before the 1983 Legislature

by Paul
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A year ago, Gov. James B. Hunt, Jr. sniffed the political winds and detected a strong odor of alcohol — as in drunk driving. In 1981, 96,404 drunk driving arrests were made in North Carolina alone — enough arrests to account for 1 of every 60 people in the state. And the estimated damage caused by drunk driving ran from \$235 to \$250 million. Spurred by such dramatic statistics in North Carolina and by a national movement to get drunks off the road, Hunt established a study committee to formulate a tough new policy he could present to the 1983 session of the General Assembly. The committee has reported out a package of proposals which should form the basis for a major 1983 legislative debate.

At the heart of the committee's proposals is a new structure for drunk driving offenses. "Driving Under the Influence" (DUI) and related offenses would be replaced by a single offense known as "Impaired Driving." Under the proposal, defendants would no longer be able to get a drunk driving charge reduced to either a ".10 violation" or to "reckless driving," as happens quite often now. They would be tried on charges of impaired driving and could receive any of five different mandatory sentences.

The first two mandatory sentences are determined by the presence of a "grossly aggravating" factor: second drunk driving offense in 10 years, speeding to elude arrest, speeding 30 miles per hour over the speed limit, driving with license revoked for previous drunk driving conviction, or causing an accident in which someone is seriously hurt. Anyone convicted of impaired driving with one of these five factors would be jailed for at least seven days — and maybe for as long as a year — and would face a maximum possible fine of \$1000. If two of the factors are present, the jail term is 14 days

to two years with a maximum fine of \$2,000.*

The three other mandatory sentences involve a number of aggravating and mitigating factors which, when added up by a judge, will determine whether the drunk spends one, two, or three days in jail and pays a fine of \$100, \$250, or \$500. These sentences allow an option of license revocation and community service.

Other proposals in the drunk driving package include:

- Anyone under 18 caught driving with any alcohol in his or her blood will face a \$100 fine, up to six months in jail, and automatic loss of license until his or her 18th birthday.

- Failure to submit to a breathalyzer test or willful failure to complete drunk driving school would mean an automatic one year suspension of license. Anyone blowing .10 on the breathalyzer would immediately and automatically lose his or her license for 10 days.

- Drivers convicted of impaired driving while their license is revoked could have their license plates and car impounded or ownership of their car taken by the state.

- Raise the drinking age for beer and wine from age 18 to age 19.

- Those who sell alcohol to people who are drunk would be liable for damages in civil actions brought by those injured either physically or financially by a drunk driver. □

* Currently, first offense DUI is punishable by a fine of from \$100 to \$500 and by a jail sentence of 30 days to six months. For second offense DUI, the fines range from \$200 to \$500 and the jail terms from two months to six months. For third offense DUI, the fine is \$500 and the prison term can be as much as two years. Under the current plea bargain system, however, few first-time drunk drivers face DUI charges and those convicted of first offense DUI rarely receive active sentences.