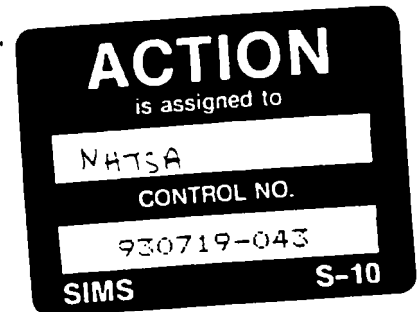




STATE OF ARIZONA
EXECUTIVE OFFICE

FIFE SYMINGTON
Governor

July 15, 1993



The Honorable Federico Peña
Secretary of Transportation
400 7th Street SW. Room 10200
Washington, DC 20590

Dear Secretary Peña:

On behalf of the State of Arizona, I am writing to certify as to my opposition to the enactment or enforcement of a law requiring the suspension of a person's driver's license on conviction of any drug offense, as prescribed in 23 U.S.C. Section 159.

Although the State of Arizona is concerned about the damaging effects of drug abuse on society, revocation of licenses has not been shown to deter drug use. Furthermore, the State of Arizona is opposed to Congressional efforts to coerce states into passing ineffective legislation.

The Arizona State Legislature has likewise certified its opposition to drug offender license suspensions as provided in 23 U.S.C. Section 159. Pursuant to federal law, I have enclosed a copy of Senate Joint Resolution 1002.

Sincerely,

Fife Symington
GOVERNOR

FS/dgk

Enclosure

cc: E.A. Weuste, FHWA

Larry Bonine, Arizona Department of Transportation

Senate Engrossed

FILED
ARIZONA
SECRETARY OF STATE

State of Arizona
Senate
Forty-first Legislature
First Regular Session
1993

SENATE JOINT RESOLUTION 1002

A JOINT RESOLUTION

CERTIFYING OPPOSITION TO ENACTMENT OF A LAW REQUIRING SUSPENSION OF A DRIVER'S LICENSE OF A PERSON ON CONVICTION OF ANY DRUG OFFENSE.

1 Whereas, section 333 of the Federal Department of Transportation and
2 Related Agencies Appropriations Act for Fiscal Year 1991 mandates the
3 withholding of certain federal aid highway funds from states that by
4 October 31, 1993 fail to either:

5 1. Enact legislation requiring suspension of an individual's
6 driver's license on conviction of any violation of the federal Controlled
7 Substances Act or any drug offense.

8 2. Certify that the Governor is opposed to the enactment of such a
9 law and that the Legislature has adopted written certification expressing
10 its opposition to such a law; and

11 Whereas, failure of the Arizona Legislature to take either mandated
12 action will result in the withholding of federal aid highway funds; and

13 Whereas, the state of Arizona is concerned with drug abuse by its
14 citizens and has enacted numerous laws and initiated programs aimed at
15 reducing both the demand for and supply of illegal drugs; and

16 Whereas, the state of Arizona currently revokes the driver's
17 licenses of any person convicted of driving a motor vehicle under the
18 influence of drugs; and

19 Whereas, the revocation of a drug offender's driver's license has
20 not been shown to deter drug use; and

21 Whereas, Congress' actions to coerce states into passing ineffective
22 laws is inappropriate; and

23 Whereas, the Arizona Legislature has and will continue to address
24 illegal drugs in effective and cost beneficial ways.

1 Therefore

2 Be it resolved by the Legislature of the State of Arizona:

3 1. That the Arizona Legislature certifies that it is opposed to
4 revoking the driver's license of any person convicted of a drug offense if
5 that person is not operating a motor vehicle; and

6 2. That the Arizona Legislature will continue its efforts in drug
7 abuse education and enforcement programs and will commit its limited
8 resources to programs that, based on Arizona's experience, have a
9 reasonable chance of reducing drug abuse.

PASSED THE SENATE FEBRUARY 11, 1993, BY THE FOLLOWING VOTE: 29 AYES, 0 NAYS,
1 NOT VOTING.

PASEED THE HOUSE MARCH 29, 1993, BY THE FOLLOWING VOTE: 35 AYES, 19 NAYS,
6 NOT VOTING.

APPROVED BY THE GOVERNOR APRIL 2, 1993.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 2, 1993.

STATE OF COLORADO

EXECUTIVE CHAMBERS

136 State Capitol
Denver, Colorado 80203-1792
Phone (303) 866-2471



Roy Romer
Governor

June 11, 1993

George Osborn
Division Administrator
Federal Highway Administration
555 Zang, Suite 250
Lakewood, CO 80228

Dear Mr. Osborn:

I have attached a copy of Senate Joint Resolution 93-21, which Colorado's General Assembly passed and I have signed. The resolution expresses the State of Colorado's reasons for declining to enact a law that conforms with 23 U.S.C. Section 159(a)(3)(A).

Sincerely,

Roy Romer
Governor

cc: Ray Chamberlain, Executive Director
Colorado Department of Transportation

SENATE JOINT RESOLUTION 93-21

BY SENATORS Norton, Ament, Bishop, Johnson, Lacy, Mutzebaugh, and Ruddick;
also REPRESENTATIVES Berry, Agler, Anderson, Chlouber, Jerke, Lawrence, Martin, Ratterree, and Tucker.

CONCERNING CERTIFICATION TO THE SECRETARY OF TRANSPORTATION OF
THE OPPOSITION OF THE GENERAL ASSEMBLY OF THE STATE OF
COLORADO TO THE LAW MANDATED BY SECTION 333 OF THE
FEDERAL "DEPARTMENT OF TRANSPORTATION AND RELATED
AGENCIES APPROPRIATIONS ACT, 1991".

WHEREAS, Section 333 of the federal "Department of Transportation and Related Agencies Appropriations Act, 1991" mandates the withholding of certain federal-aid highway funds from any state that fails by October 31, 1993, to either:

(1) Certify that the state has enacted legislation requiring revocation or suspension of an individual's driver's license upon conviction of any violation of the federal "Controlled Substances Act" or of any drug offense; or

(2) Certify that the governor of the state is opposed to the enactment of such a law and that the legislature of such state has adopted written certification expressing its opposition to such a law; and

WHEREAS, Failure of the General Assembly to take either mandated action will result in the withholding of federal-aid highway funds; and

WHEREAS, The state was only informed on March 4, 1993, that the National Highway Traffic Safety Administration and the Federal Highway Administration have determined that the laws of Colorado are not in compliance with the federal requirements, which has left too little time for the General Assembly to carefully consider the issues in this matter; and

WHEREAS, The state of Colorado is greatly concerned about drug abuse and is acutely aware of the harm that illegal drugs cause to all citizens of Colorado, and the state therefore has enacted numerous laws and has initiated many programs specifically aimed at reducing both the demand for and the supply of illegal drugs in Colorado; and

WHEREAS, The state of Colorado currently revokes the driver's license of any person convicted of driving a motor vehicle under the influence of drugs and of any person who is convicted of a felony for the crime of unlawful use of a controlled substance or the crime of unlawful distribution, manufacturing, dispensing, sale, or possession of controlled substances; and

WHEREAS, The General Assembly has and will continue to address illegal drugs in Colorado in the most effective and beneficial ways that the General Assembly can devise, but the General Assembly is not able at this time to reasonably consider the expansion of the laws of Colorado to require driver's license revocation or suspension for every conviction of a non-felony drug offense; now, therefore,

Be It Resolved by the Senate of the Fifty-ninth General Assembly of the State of Colorado, the House of Representatives concurring herein:

That the General Assembly of the state of Colorado certifies pursuant to Section 333 of the federal "Department of Transportation and Related Agencies Appropriations Act, 1991" that it is currently opposed to enacting legislation revoking or suspending drivers' licenses for convictions of every drug offense because the state does not have sufficient time to fully consider the most appropriate legislative action to take in this regard.

That the General Assembly will continue to strive towards reduction of drug abuse through education and enforcement programs and will commit its limited resources to the programs that, based upon Colorado's experience, have the best chance of reducing drug abuse, but the General Assembly recognizes that it would be unwise to make hurried changes to this extremely important area of the law without proper reflection.

That the General Assembly supports additional consideration and study of this area to determine whether it is necessary for the state of Colorado to enact further legislation

with regard to the revocation or suspension of the drivers' licenses of drug offenders.

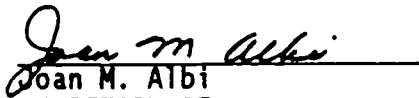
Be It Further Resolved, That this resolution be sent to the Governor in order that he may approve it pursuant to section 39 of article V of the state constitution and that he may provide certification to the Secretary of Transportation pursuant to Section 333 of the federal "Department of Transportation and Related Agencies Appropriations Act, 1991".



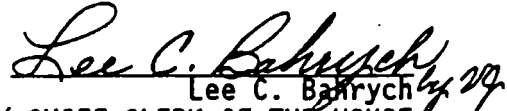
Tom Norton
PRESIDENT OF
THE SENATE



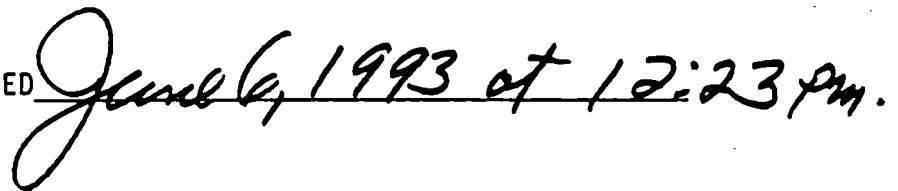
Charles E. Berry
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

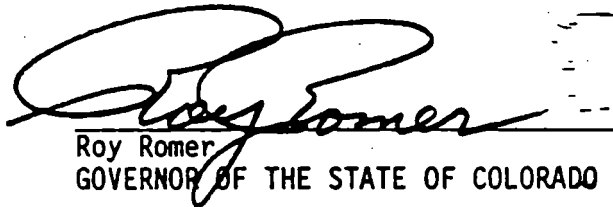


Joan M. Atbi
SECRETARY OF
THE SENATE



Lee C. Bahrych
as't CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED  June 6, 1993 at 12:23 pm.


Roy Romer
GOVERNOR OF THE STATE OF COLORADO

State of Colorado

SJR 93-21.

By Senators Norton, Ament, Bishop, et al.;

also Representatives Berry, Agler, Anderson, et al.

CONCERNING CERTIFICATION TO THE SECRETARY OF
TRANSPORTATION OF THE OPPOSITION OF THE GENERAL
ASSEMBLY OF THE STATE OF COLORADO TO THE LAW
MANDATED BY SECTION 333 OF THE FEDERAL "DEPARTMENT
OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS
ACT, 1991".

STATE OF COLORADO, ss.

THIS ACT ORIGINATED IN THE SENATE.

Juan M. Albi
Secretary of the Senate.

STATE OF COLORADO, }
SECRETARY'S OFFICE } ss.

This Act was filed in my office this _____ day of _____

A. D. 19____, at _____ o'clock ____ M.

Secretary of State.

By _____
Deputy Secretary

07/21/94 15:28

0617 494 3646

NHTSA REGION I --- ADELE

002



LOWELL P. WEICKER JR.
GOVERNOR

STATE OF CONNECTICUT
EXECUTIVE CHAMBERS
HARTFORD, CONNECTICUT
06106

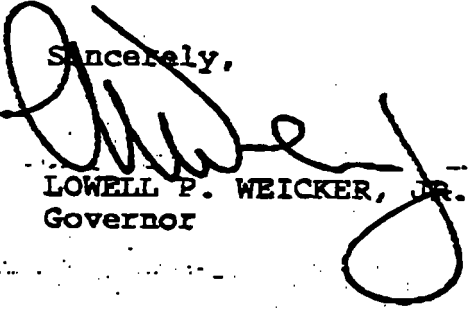
July 5, 1994

Mr. Dwight A. Horne
Division Administrator
Federal Highway Administration
Abraham Ribicoff Federal Building
450 Main Street, Room 635
Hartford, Connecticut 06106

Dear Mr. Horne:

The purpose of this letter is to hereby certify that the State of Connecticut continues to be opposed to the enactment and enforcement of a law that conforms to 23 U.S.C. Section 159 (a) (3) (A).

Sincerely,


LOWELL P. WEICKER, JR.
Governor

cc: Commissioner Emil H. Frankel
Department of Transportation

07/21/94 15:28

817 494 3646

NHTSA REGION I --- ADELE

001



U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
REGION ONE

Abraham Ribicoff Federal Building
450 Main Street, Room 635
Hartford, Connecticut 06103

July 19, 1994

IN REPLY REFER TO:
HEC-CT

Mr. George A. Luciano
Regional Administrator
National Highway Traffic Safety Administration
Transportation Systems Center
Kendall Square, Code 903
Cambridge, Massachusetts 02142

Dear Mr. Luciano:

In accordance with 23 U.S.C., Section 159, enclosed are two copies of Governor Weicker's written certification to the Federal Highway Administration Connecticut Division office stating that the Governor is opposed to the enactment of a law in Connecticut suspending drivers' licenses for drug offenses.

Sincerely yours,

David A. Price

For: Dwight A. Horne
Division Administrator

Enclosure

OPTIONAL FORM 99 (7-90)

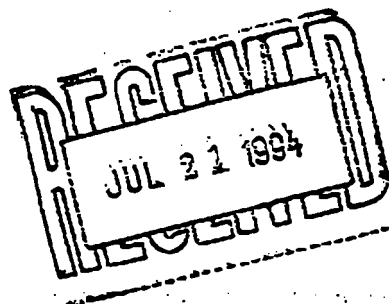
FAX TRANSMITTAL

of pages 3

To <i>Dary Butler</i>	From <i>Jim Ryan</i>
Dept/Agency	Phone #
Fax #	Fax #

do you need hard copies

NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION



EMERGENCY CERTIFICATION

STATE OF CONNECTICUT

Senate Joint Resolution No. 78

Page 1

Referred to Committee on

LCO No. 8394

Introduced by SEN. LARSON, 3rd DIST.

REP. RITTER, 2nd DIST.

General Assembly

January Session, A.D., 1993

RESOLUTION EXPRESSING THE LEGISLATURE'S OPPOSITION TO FEDERAL
LEGISLATION REQUIRING SUSPENSION OF LICENSES FOR INDIVIDUALS
CONVICTED OF VIOLATIONS OF THE FEDERAL CONTROLLED SUBSTANCES ACT.

Resolved by this Assembly:

WHEREAS, Section 159 of Title 23, United States Code, as
enacted by the Department of Transportation and Related Agencies
Appropriations Act for fiscal year 1991 (Section 333, P.L.
102-143), mandates the withholding of certain federal-aid highway
funds from states that by October 31, 1993, fail to either:

1. Enact legislation requiring suspension of an individual's
driver's license upon conviction of any violation of the federal
Controlled Substances Act or any drug offense whether or not the
violation occurred while operating a motor vehicle; or

2. Certify that the governor is opposed to the enactment of
such a law and that the legislature has adopted written
certification expressing its opposition to the implementation of
revoking the driver's license of any person convicted of a drug
offense in accordance with 23 USC 159 (a)(3)(A) even if that
person is not operating a motor vehicle; and

WHEREAS, failure of this legislature to take either mandated
action will result in the substantial withholding of federal-aid
highway funds; and

Senate Joint Resolution No.

Page 2

WHEREAS, the State of Connecticut is concerned with drug abuse by its citizens and has enacted numerous laws and initiated programs aimed at reducing both the demand for and supply of illegal drugs; and

WHEREAS, treatment and educational programs at the workplace and educational settings employ corrective and preventive measures against all substance abuse; and

WHEREAS, license suspension sanctions for driving while under the influence of drugs currently exist in state law and are related to operating or being in control of a motor vehicle; and

WHEREAS, the cost to implement the Federal Program in the manner mandated in 23 CFR Part 1212 Final Rule has not been federally funded and would require a substantial addition to expenditures in both the General Fund and the Special Transportation Fund; and

WHEREAS, it has been determined that it is extremely onerous and complex for State agencies to administer the implementation plan requiring the suspension, revocation or delay in issuance or reinstatement of the driver's license of drug offenders that conforms to 23 USC 159 (a)(3)(A); and

WHEREAS, the legislature of the State of Connecticut has and will continue to address the issue of and enact punitive sanctions against the possession, sale and use of controlled substances; and

WHEREAS, the legislature of the State of Connecticut has and will continue to address the issue of and enact punitive sanctions against the use of illegal drugs while operating a motor vehicle in effective and cost beneficial ways; and

WHEREAS, preliminary steps have been initiated to establish a Commission on Impaired Driving, which will serve to coordinate State-wide enforcement, legislative and treatment efforts; and deterrence, prevention, treatment, rehabilitation, driver licensing and program management efforts.

Senate Joint Resolution No.

Page 3

NOW, THEREFORE, BE IT RESOLVED, that the legislature of the 68
State of Connecticut, in accordance with 23 USC 159 (a)(3)(A), 69
affirms that it is opposed to the implementation of revoking the 70
driver's license of any person convicted of a drug offense, even 71
if that person is not operating a motor vehicle; and 72

BE IT FURTHER RESOLVED, that the legislature of the State of 73
Connecticut will continue its efforts in drug abuse education and 74
enforcement programs and will commit its available resources to 75
programs that, based on Connecticut's experience, hold the 76
greatest potential towards reducing drug abuse. 77

EMERGENCY CERTIFICATION

SENATE JOINT

RESOLUTION NO. 78

RESOLUTION EXPRESSING THE
LEGISLATURE'S OPPOSITION TO
FEDERAL LEGISLATION REQUIRING
SUSPENSION OF LICENSES FOR
INDIVIDUALS CONVICTED OF
VIOLATIONS OF THE FEDERAL
CONTROLLED SUBSTANCES ACT.

STATE OF CONNECTICUT
SENATE

JUN 07 1993

TABLED FOR CALENDAR

Thomas P. Anderson

LCO NO. 8394

Introduced by:

SEN. LARSON, 3rd DIST.
REP. RITTER, 2nd DIST.

John B. Larson
Penn J. Ritter
adopted

MBS

FILE NO. _____

STATE OF CONNECTICUT
SENATE

JUN 8 1993

PASSED

Thomas P. Anderson

IMMEDIATE TRANSMITTAL, JR 17

STATE OF CONNECTICUT
HOUSE OF REPRESENTATIVES

JUN 08 1993

TABLED FOR CALENDAR

Penn J. Ritter

STATE OF CONNECTICUT
HOUSE OF REPRESENTATIVES

JUN 9 1993

ADOPTED

Penn J. Ritter

CALENDAR NO. _____

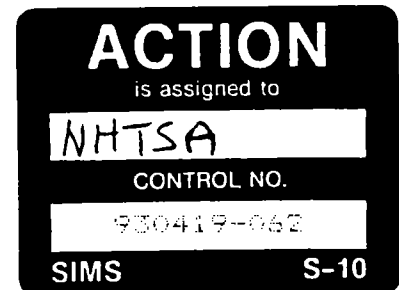
PHYLLIS WATSON
CHIEF CLERK



OFFICE OF CHIEF CLERK
ROOM 315
CAPITOL BUILDING
BOISE, IDAHO 83720
(208) 334-2123

House of Representatives State of Idaho

April 14, 1993



The Honorable Frederico Pena
Secretary of Transportation
Room 10200
400 Seventh Street SW
Washington D.C. 20590

Dear Mr. Secretary:

Enclosed please find a certified copy of House Concurrent Resolution No. 33 which was adopted by the First Regular Session of the Fifty-second Idaho Legislature.

Very truly yours,

A handwritten signature in cursive script, reading "Phyllis Watson".

(Mrs.) Phyllis Watson
Chief Clerk

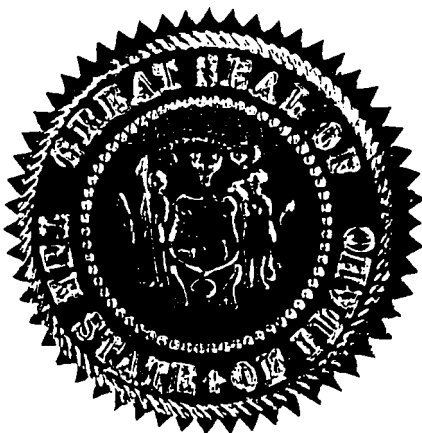
pw
Enc.

State of Idaho

Department of State.

CERTIFICATION

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho and legal custodian of the Seal of said State and all Acts of the Legislature of the State of Idaho, do hereby certify that the annexed is a full, true and complete copy of HOUSE CONCURRENT RESOLUTION NO. 33, adopted by the Fifty-Second Legislature, First Regular Session, received and filed in this office on the twenty-fourth day of March, 1993 at 4:32 p.m., and that the same appears of record in this office.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Idaho. Done at Boise, Idaho, this 14th day of April, 1993.

Pete T. Cenarrusa

PETE T. CENARRUSA
Secretary of State

by

Miren E. Artiach

MIREN E. ARTIACH
Deputy Secretary of State

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Legislature certifies to the Secretary of Transportation, under the provisions of Section 333 of the Department

1 of Transportation and Related Agencies Appropriations Act of 1991. that it is
2 opposed to the enactment and enforcement of a law relating to the revocation,
3 suspension, issuance and reinstatement of the driving privileges of persons
4 convicted of violations of the Idaho Uniform Controlled Substances Act simply
5 for the purpose of complying with another federal mandate; and

6 BE IT FURTHER RESOLVED that the Idaho Legislature, so as not to lose fed-
7 eral aid to highways funds, and in order to help the government of the United
8 States understand its limited mission, urges the Governor of the State of
9 Idaho also to certify to the Secretary of Transportation that this state is
10 opposed to being forced by the federal government to enact and enforce a law
11 revoking or suspending the driving privileges of convicted drug offenders; and

12 BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution
13 be transmitted to the Secretary of Transportation, the President of the Senate
14 and the Speaker of the House of Representatives of Congress, the congressional
15 delegation representing the State of Idaho in the Congress of the United
16 States and the Governor of the State of Idaho.

THIS HOUSE CONCURRENT RESOLUTION PASSED THE HOUSE ON THE 15th
DAY OF March, 1993



SPEAKER OF THE HOUSE OF
REPRESENTATIVES

THIS HOUSE CONCURRENT RESOLUTION PASSED THE SENATE ON THE 22nd
DAY OF March, 1993



PRESIDENT OF THE SENATE

I HEREBY CERTIFY THAT THE WITHIN HOUSE CONCURRENT RESOLUTION NO. 32
ORIGINATED IN THE HOUSE OF REPRESENTATIVES DURING THE 1st REGULAR
SESSION OF THE 52nd LEGISLATURE OF THE STATE OF IDAHO.

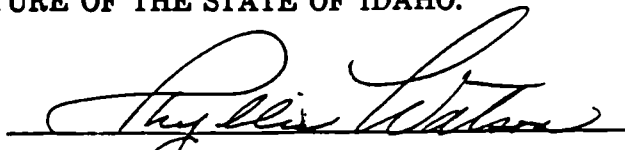
RECEIVED & FILED

March 24, 1993 4:32 p.m.

N.A.

CHAPTER NO.

PETE T. CENARRUSA
SECRETARY OF STATE



CHIEF CLERK OF THE HOUSE OF
REPRESENTATIVES

STATE OF KANSAS



OFFICE OF THE GOVERNOR

JOAN FINNEY, Governor
State Capitol, 2nd Floor
Topeka, KS 66612-1590

913-296-3232
1-800-432-2487
TDD# 1-800-992-0152
FAX# (913) 296-7973

July 1, 1994

Mr. Rodney Slater
Federal Highway Administrator
400 7th Street SW
Washington, D.C. 20590

Dear Mr. Slater:

I take this opportunity to submit this written certification that the 1994 Kansas Legislature recently adopted a resolution opposing subparagraph (A) of Section 333 of P.L. 101-516 of the FY 1991 U.S. DOT Appropriations Act, concerning the revocation or suspension of the driver's license of any individual convicted of a drug offense.

Pursuant to state law, House Concurrent Resolution No. 5024 became effective upon passage in both houses of the Kansas Legislature on March 24, 1994.

Sincerely yours

A handwritten signature in dark ink, appearing to read "Joan Finney".

Joan Finney

enclosure

EXECUTIVE SECRETARIAT
FEDERAL HIGHWAY
ADMINISTRATION

94 JUL 11 AM 1:47

U.S. DEPARTMENT
OF TRANSPORTATION

As Amended by House Committee

Session of 1993

Senate Concurrent Resolution No. 1611

By Committee on Transportation and Utilities

2-11

9 A CONCURRENT RESOLUTION expressing the Kansas Legisla-
10 ture's opposition to Federal legislation requiring revocation or
11 suspension of drivers' licenses for any drug-related offense.
12

13 WHEREAS, The United States Congress has enacted legislation
14 mandating the withholding of certain federal-aid highway funds from
15 any state that fails to favorably act upon state legislation related to
16 the revocation or suspension of the driver's license of any person
17 convicted of a drug-related offense; and

18 WHEREAS, ~~The~~ The Kansas Legislature believes that strong
19 measures should be enacted and enforced against persons convicted
20 of drug-related offenses, but the imposition of federal-aid highway
21 fund sanctions inappropriately attempts to override state prerogatives
22 by coercing states into enacting specific legislation addressing drug
23 abuse; and

24 WHEREAS, The Kansas Legislature is opposed to the fed-
25 eral law requiring the revocation or suspension of the driver's
26 license for any person convicted of a drug offense unrelated
27 to the operation of a motor vehicle; and

28 WHEREAS, The Kansas Legislature believes that the adoption
29 of this resolution is only an interim measure until stronger legis-
30 lation can be developed and enacted; and

31 WHEREAS, The federal law further provides that a state may
32 avoid loss of federal-aid highway funds if the state legislature enacts
33 a resolution expressing opposition to such legislation and the Gov-
34 ernor conveys the Governor's opposition and the legislature's reso-
35 lution to the United States Secretary of Transportation; and

36 WHEREAS, The state of Kansas has elected to comply with this
37 Congressional legislation by expressing opposition to the enactment
38 of state legislation related to the revocation or suspension of the
39 driver's license of any person convicted of a drug-related offense;
40 Now, therefore,

41 *Be it resolved by the Senate of the State of Kansas, the House of*
42 *Representatives concurring therein: That the Kansas Legislature op-*
43 *poses enactment or enforcement in the State of Kansas of a federally*

SCR 1611—Am. by H

2

1 mandated law relating to revocation, suspension, issuance or rein-
2 statement of drivers' licenses of convicted drug offenders as described
3 in 23 U.S.C. 104(c)(3)(A); and

4 *Be it further resolved:* That this resolution be prepared and de-
5 livered to the Governor of the State of Kansas and that the Governor
6 submit to the United States Secretary of Transportation:

7 (1) A written certification that the Governor of the State of Kansas
8 is opposed to the enactment or enforcement of a law related to the
9 revocation or suspension of a person's driver's license for any drug-
10 related offense; and

11 (2) a duly authenticated copy of this resolution as passed by the
12 Kansas Legislature.

13 *Be it further resolved:* That copies of the documents provided
14 to the United States Secretary of Transportation also be transmitted
15 to the President of the United States, the President of the Senate
16 and the Speaker of the House of Representatives of the United States
17 Congress and to the Kansas Congressional delegation.

Session of 1993

SENATE BILL No. 294**By Committee on Transportation and Utilities****2-11**

8 AN ACT concerning crimes and punishments; providing for the sus-
9 pension of a person's driver's license for conviction of drug offense;
10 amending K.S.A. 8-256 and repealing the existing section.
11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 New Sec. 1. (a) As used in this section:

14 (1) "Division" means the division of vehicles of the department
15 of revenue;

16 (2) "driver's license" means any license to operate a motor vehicle
17 issued under the laws of this state;

18 (3) "drug offense" means any criminal offense which proscribes:

19 (A) The possession, distribution, manufacture, cultivation, sale, trans-
20 fer, or the attempt or conspiracy to possess, distribute, manufacture,
21 cultivate, sell, or transfer any substance the possession of which is
22 prohibited under the uniform controlled substances act K.S.A. 65-
23 4101 through 65-4141, and amendments thereto, or under K.S.A.
24 65-4159, and amendments thereto; or (B) the operation of a motor
25 vehicle under the influence of any substance the possession of which
26 is prohibited under the uniform controlled substances act K.S.A. 65-
27 4101 through 65-4141, and amendments thereto.

28 (b) If a person is convicted of any drug offense the division shall:

29 (1) Suspend the person's driver's license for a period of at least
30 six months; or

31 (2) delay the issuance or reinstatement of such person's driver's
32 license for a period of at least six months after the person applies
33 for the issuance or reinstatement of such person's driver's license if
34 the person does not have a driver's license, or the driver's license
35 of the person is canceled, suspended, or revoked at the time the
36 person is convicted.

37 (c) The provisions of this section are mandatory and shall not be
38 altered by any term or provision of sentencing or probation.

39 (d) If a person is convicted under K.S.A. 8-1567, and amend-
40 ments thereto, of a drug offense, as defined under paragraph (B) of
41 paragraph (3) of subsection (a), the provisions of this section shall
42 apply and shall be in addition to any other penalty permitted for
43 conviction under K.S.A. 8-1567, and amendments thereto.

SB 284

2

1 (e) Nothing in this section shall preclude the suspension of a
2 person's driver's license for a period longer than six months.

3 Section 2. K.S.A. 8-256 is hereby amended to read as follows:
4 8-256. (a) The division shall not suspend a person's license to operate
5 a motor vehicle on the public highways for a period of more than
6 one year, except as permitted under ~~K.S.A. 40-3104 and 40-3118,~~
7 ~~and amendments thereto, and~~ K.S.A. 8-262, 8-1219, 8-2107 or,
8 8-2110, ~~and amendments thereto or~~ K.S.A. 8-2,125 through 8-
9 2,142, 40-3104 ~~and 40-3118, and amendments thereto, and section~~
10 ~~1 of this act.~~

11 (b) Any person whose license to operate a motor vehicle on the
12 public highways has been revoked shall not be entitled to have such
13 license renewed or restored unless the revocation was for a cause
14 which has been removed, except that after the expiration of one
15 year from the date on which the revoked license was surrendered
16 to and received by the division such person may make application
17 for a new license as provided by law, except as otherwise provided
18 by K.S.A. 8-2,142, ~~and amendments thereto,~~ but the division shall
19 not then issue a new license unless and until it is satisfied after
20 investigation of the habits and driving ability of such person that it
21 will be safe to grant the privilege of driving a motor vehicle on the
22 public highways.

23 Sec. 3. K.S.A. 8-256 is hereby repealed.

24 Sec. 4. This act shall take effect and be in force from and after
25 its publication in the statute book.



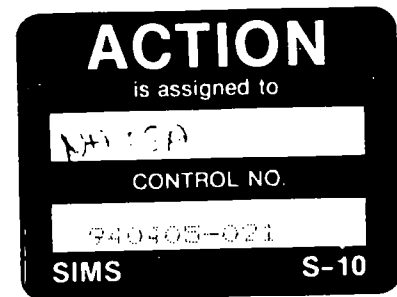
COMMONWEALTH OF KENTUCKY
OFFICE OF THE GOVERNOR

BREBETON C. JONES
GOVERNOR

THE CAPITOL
700 CAPITAL AVENUE
FRANKFORT 40601
(502) 564-2611

March 29, 1994

Mr. Frederico Pena
Secretary of Transportation
400 Seventh Street, SW
Room 10200
Washington, D.C. 20590



Dear Secretary Pena:

Pursuant to 23 U.S.C. Section 159(a)(3)(B), I hereby certify that both houses of the 1994 Regular Session of the Kentucky General Assembly have adopted the attached Senate Joint Resolution 13. This resolution expresses the opposition of the Kentucky General Assembly to the enactment of a law requiring the revocation or suspension of the driver's license or driving privilege of any person convicted of a drug offense.

I further certify my opposition to the enactment or enforcement of a law requiring the revocation or suspension of the driver's license or driving privilege of any person convicted of a drug offense. I believe that Kentucky has enacted sufficient laws to deter illegal drug activity, to wit:

1. Existing Kentucky law (KRS Chapter 189A) prohibits a person from driving under the influence of any substance that impairs his ability to operate a motor vehicle and, based upon the number of convictions against the person for the same offense, mandates a person's driver's license be revoked for a period of ninety (90) days and five (5) years, a fine between \$200 and \$1,000, imprisonment between forty-eight (48) hours and five (5) years, and community labor between ten (10) days and one (1) year;
2. Existing Kentucky law (KRS 218A.410) makes a person's car subject to seizure and forfeiture to the state if the motor vehicle has been used to transport, sell, or receive a controlled substance; and

3. Existing Kentucky law (218A.991) provides for the suspension of driving privileges for a minimum of one (1) year of persons between the ages of fourteen (14) and eighteen (18) convicted of engaging in prohibited conduct involving the possession, use, sale, or consumption of controlled substances.

Sincerely,

A handwritten signature in black ink, appearing to read "Brereton Jones", with a large, stylized flourish at the end.

/srb

c: Paul To. ussaint
Don C. Kelly



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

REGULAR SESSION 1994

SENATE JOINT RESOLUTION NO. 13

THURSDAY, FEBRUARY 3, 1994

The following joint resolution was reported to the House from the Senate and ordered to be printed.

A JOINT RESOLUTION directing the Governor to submit a written certification to the United States Secretary of Transportation to comply with Section 159 (a)(3)(B) of Public Law 101-516, stating the opposition of the Kentucky General Assembly to the enactment of the federal "Drug Offender's Driving Privileges Suspension Act of 1990" or a similar qualifying license suspension law for drug offenders.

WHEREAS, Congress passed Public Law 101-516 requiring the United States Secretary of Transportation to withhold five percent (5%) of a state's highway related funds if that state does not meet the requirements of Public Law 101-516 by October 1, 1993, and, in addition, beginning October 1, 1995, and each fiscal year thereafter ten percent (10%) of state highway funds are required to be withheld; and

WHEREAS, five percent (5%) of Kentucky's federal highway funds is approximately \$9.4 million and ten percent is approximately \$19.3 million; and

WHEREAS, Section 159 (a)(3)(B) of Public Law 101-516 provides that a state has complied with Public Law 101-516 and will not lose federal highway funding if each house of the state legislature has adopted a resolution expressing its opposition to enactment of a law that complies with the major provisions of Public Law 101-516, which requires a six month suspension of the driver's license of any individual convicted of any violation of the Controlled Substances Act or any drug law, regardless of whether a motor vehicle was involved in the offense; and

WHEREAS, to fully comply with Section 159 (a)(3)(B) of Public Law 101-516, the Governor must also submit a written certification to the United States Secretary of Transportation expressing his opposition to the enactment or enforcement of a driver license suspension law similar to Public Law 101-516; and

WHEREAS, after careful examination of Public Law 101-516, the Kentucky General Assembly hereby determines:

1. That driver license revocations pursuant to Public Law 101-516 do not have to be related to the operation of a motor vehicle upon the public highways in Kentucky;

94 RS SJR 13/GA

2. That current Kentucky law (KRS Chapter 189A) prohibits a person from driving under the influence of any substance that impairs his ability to operate a motor vehicle and, based upon the number of convictions against the person for the same offense, mandates a person's driver's license be revoked for a period between ninety (90) days and five (5) years, a fine between \$200 and \$1,000, imprisonment between forty-eight (48) hours and five (5) years, and community labor between ten (10) days and one (1) year;

3. That current Kentucky law (KRS 218A.410) makes a person's car subject to seizure and forfeiture to the state if the motor vehicle has been used to transport, sell, or receive a controlled substance; and

4. That current Kentucky law (218A.991) provides for the suspension of driving privileges for a minimum of one (1) year of persons between the ages of fourteen (14) and eighteen (18) convicted of engaging in prohibited conduct involving the possession, use, sale, or consumption of controlled substances; and

WHEREAS, the Kentucky General Assembly believes that if a person is not deterred from criminal drug activity by the threat of his motor vehicle being seized and forfeited to the state, enactment of Public Law 101-516 requiring the person's driver's license to be suspended for six (6) months will certainly not deter criminal drug activity; and

WHEREAS, the Kentucky General Assembly believes that it is unnecessary to enact the license suspension provisions of Public Law 101-516 because the state has already enacted sufficient laws to deter illegal drug activity; and

WHEREAS, the Kentucky General Assembly believes that the license suspension provisions of Public Law 101-516 would unnecessarily strain limited state financial and manpower resources to enforce, as well as unnecessarily increase the paperwork and bureaucracy of state government;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1 Section 1. That the General Assembly is opposed to the federal government
2 mandating that states enact a law that provides for the suspension or revocation of a
3 person's driver's license based upon a conviction of a drug offense regardless of whether
4 the person operated a motor vehicle at the time of the offense.

5 Section 2. That the Honorable Brereton C. Jones, Governor of the Commonwealth
6 of Kentucky, is directed to submit a written certification to Federico F. Pena, United
7 States Secretary of Transportation, that the Kentucky General Assembly has adopted this
8 Resolution, as authorized by United States Code Title 23, Section 159(a)(3)(B),
9 expressing its opposition to the additional enactment and enforcement of the federal "Drug
10 Offender's Driving Privileges Suspension Act of 1990" or a similar qualifying license
11 suspension law for drug offenses.

12 Section 3. That Governor Brereton C. Jones is requested to submit written
13 certification to Secretary Pena expressing his opposition to this federal mandate which is
14 currently addressed by existing Kentucky statutes.

15 Section 4. That copies of this Resolution be transmitted to Governor Jones, the
16 members of the Kentucky Congressional Delegation, and United States Transportation
17 Secretary Federico Pena, 400 Seventh Street, SW, Washington, DC 20590.

LAC D-AT

AN ACT relating to motor vehicle operator's licenses.

Be it enacted by the General Assembly of the Commonwealth
of Kentucky:

1 SECTION 1. A NEW SECTION OF KRS CHAPTER 218A IS
2 CREATED TO READ AS FOLLOWS:

3 Each court convicting any person fifteen and one-half
4 (15 1/2) years of age or older of a violation of the
5 provisions of KRS Chapter 218A shall immediately notify
6 the Transportation Cabinet of the conviction. Upon receipt
7 of notification from the court, the Transportation Cabinet
8 shall revoke the motor vehicle operator's license of that
9 person for a period of six (6) months. If that person does
10 not possess a license at the time of conviction, the
11 person shall not be issued a motor vehicle operator's
12 license for a period of six (6) months.

13 Section 2. KRS 186.560 is amended to read as follows:

14 (1) The cabinet shall ~~[forthwith]~~ revoke the
15 license of an ~~[any]~~ operator of a motor vehicle upon
16 receiving record of his conviction of any of the following
17 offenses:

18 (a) Murder or manslaughter resulting from the
19 operation of a motor vehicle;

20 (b) Driving a vehicle that ~~[which]~~ is not a motor
21 vehicle while under the influence of alcohol or any other

1 substance that [which] may impair one's driving ability;

2 (c) Perjury or the making of a false affidavit under
3 KRS 186.400 to 186.640 or any law requiring the
4 registration of motor vehicles or regulating their
5 operation on highways;

6 (d) Any felony in the commission of which a motor
7 vehicle is used;

8 (e) Conviction or forfeiture of bail upon three (3)
9 charges of reckless driving within the preceding twelve
10 (12) months;

11 (f) Conviction of driving a motor vehicle involved
12 in an accident and failing to stop and disclose his
13 identity at the scene of the accident;

14 (g) Conviction of theft of a motor vehicle or any of
15 its parts, including the conviction of any person under
16 the age of eighteen (18) years;

17 (h) Failure to have in full force and effect the
18 security required by Subtitle 39 of KRS Chapter 304 upon
19 conviction of a second and each subsequent offense within
20 any five (5) year period; and

21 (i) Conviction for fraudulent use of a driver's
22 license or use of a fraudulent driver's license to
23 purchase or attempt to purchase alcoholic beverages, as
24 defined in KRS 241.010, in violation of KRS 244.085.

25 (2) (a) The cabinet shall revoke the license of an
26 operator of a motor vehicle upon receiving record of a

1 conviction of a violation of:

2 1. KRS 189A.010(1), (c) or (d):

3 2. A conviction of a non-motor vehicle drug related
4 offense established in KRS Chapter 218A:

5 3. Receipt of a drug related conviction from another
6 jurisdiction; or

7 4. Conviction of the Federal Controlled Substance
8 Act.

9 (b) Conviction of an offense set forth in this
10 subsection shall result in a six (6) month suspension of
11 the person's motor vehicle or motorcycle operator's
12 license, or if the person is serving a suspension, an
13 additional six (6) months shall be added to the suspension
14 period. If the person convicted is not currently licensed,
15 the cabinet shall suspend the privilege to obtain a
16 license for six (6) months. Persons serving a license
17 suspension pursuant to this subsection shall be subject to
18 the requirements of KRS 189A.040.

19 (c) A hardship license may be issued pursuant to KRS
20 189A.410 to any person under suspension pursuant to this
21 subsection after thirty (30) days of the suspension period
22 has been served. The issuance of a hardship license shall
23 be accompanied by a court order issued pursuant to KRS
24 189A.410.

25 (d) A person convicted of second and subsequent
26 offenses established by this subsection shall serve a

1 suspension period as established in subsection (6) of this
2 section. The suspension period established in KRS
3 189A.070(4) shall not be decreased under the provisions of
4 Sections 1 to 4 of this Act if a driver who is eighteen
5 (18) years of age or younger is convicted of an offense.

6 (3) If the person convicted of any offense named in
7 subsection (1) of this section is not the holder of a
8 license, the cabinet shall deny the person so convicted a
9 license for the same period of time as though he had
10 possessed a license that [which] had been revoked. If
11 through an inadvertence the defendant should be issued a
12 license, the cabinet shall [forthwith] cancel it.

13 (4) The cabinet shall, upon receipt of a record of
14 conviction of any person charged with operating a motor
15 vehicle on a denied, suspended, or revoked license, or
16 whose driving privilege has been withdrawn. [(3) The
17 cabinet upon receiving a record of the conviction of any
18 person upon a charge of operating a motor vehicle while
19 the license of that person is denied or suspended, or
20 revoked, or while his privilege to operate a motor vehicle
21 is withdrawn, shall immediately] extend the period of the
22 first denial, suspension, revocation, or withdrawal for an
23 additional like period.

24 (5)[(4)] The revocation or denial of a license or
25 the withdrawal of the privilege of operating a motor
26 vehicle for a violation of subsection (1)(a) of this

1 section shall be for a period of not less than five (5)
2 years. Revocations or denials under this section shall not
3 be subject to any lessening of penalties authorized under
4 any other provision of this section or any other statute.

5 (6) [(5)] In all other cases, the revocation or
6 denial of a license or the withdrawal of the privilege of
7 operating a motor vehicle under this section shall be for
8 a period of six (6) months, except that, if the same
9 person has had one (1) previous conviction of any offense
10 enumerated in subsection (1) of this section, [~~regardless~~
11 ~~of~~] whether or not the person's license was revoked
12 because of the previous conviction, the period of the
13 revocation, denial, or withdrawal shall be one (1) year;
14 if the person has had more than one (1) previous
15 conviction of the offenses considered collectively as
16 enumerated in subsection (1) of this section, [~~regardless~~
17 ~~of~~] whether or not the person's license was revoked for
18 any previous conviction, the period of revocation, denial,
19 or withdrawal shall be for not less than two (2) years. If
20 [~~Provided, however,~~] the cabinet, upon receipt of the
21 written recommendation of the court in which any person
22 has been convicted of violating KRS 189.520(1) or KRS
23 244.085(5) as relates to instances in which an operator's
24 [~~a driver's~~] license or fraudulent operator's
25 [~~driver's~~] license was the identification used or
26 attempted to be used in the commission of the offense, who

1 has had no previous conviction of an [said] offense,
2 that the [said] person's operator's license shall not be
3 revoked, restricts the [said] person's operator's
4 license according to [such] terms and conditions as the
5 secretary in his discretion may require, if the [provided
6 said] person has enrolled in an [such] alcohol or
7 substance abuse education or treatment program as the
8 cabinet shall require. If the [In the event said] person
9 fails to satisfactorily complete the [said] education or
10 treatment program or violates the restrictions on his
11 operator's license, the cabinet shall [forthwith] revoke
12 his operator's license for a period of six (6) months.

13 (7)[(6)] To reinstate [In order to secure the
14 reinstatement of] a license to operate a motor vehicle or
15 motorcycle [restored] following a period of suspension
16 or revocation pursuant to KRS 189A.060, 189A.070, and
17 189A.080, the person whose license is suspended or revoked
18 shall comply with the fees and other procedures of the
19 Transportation Cabinet [with regard to the reinstatement
20 of suspended or revoked licenses].

21 (8)[(7)] The cabinet shall revoke the license of
22 any operator of a motor vehicle upon receiving
23 notification that the person is under age eighteen (18)
24 and has dropped out of school or is academically
25 deficient, as defined in KRS 159.051(1).

26 Section 3. KRS 189A.070 is amended to read as

1 follows:

2 (1) Unless the person is under eighteen (18) years
3 of age, in addition to the penalties specified in KRS
4 189A.010, a person convicted of violation of KRS 189A.010
5 shall have his license to operate a motor vehicle or
6 motorcycle revoked by the court as follows:

7 (a) For the first offense within a five (5) year
8 period, ninety (90) days, except as provided in subsection
9 (2) of Section 2 of this Act;

10 (b) For the second offense within a five (5) year
11 period, twelve (12) months;

12 (c) For a third offense within a five (5) year
13 period, twenty-four (24) months; and

14 (d) For a fourth or subsequent offense within a five
15 (5) year period, sixty (60) months.

16 (e) For purposes of this section, "offense" shall
17 have the same meaning as described in KRS 189A.010(4)(e).

18 (2) In determining the five (5) year period under
19 this section, the period shall be measured from the dates
20 on which the offenses occurred for which the judgments of
21 conviction were entered.

22 (3) In addition to the period of license revocation
23 set forth in subsection (1) of this section, a [not]
24 person shall not be eligible for reinstatement of his
25 privilege to operate a motor vehicle until he has
26 completed the alcohol or substance abuse education or

1 treatment program ordered pursuant to KRS 189A.040.

2 (4) A person under the age of eighteen (18) who is
3 convicted of violation of KRS 189A.010 shall have his
4 license revoked by the court until he reaches the age of
5 eighteen (18) or shall have his license revoked as
6 provided in subsection (1) of this section, whichever
7 penalty will result in the longer period of revocation.

8 (5) Licenses revoked pursuant to this chapter shall
9 [forthwith] be surrendered to the court upon conviction.
10 The court shall transmit the conviction records, and other
11 appropriate information to the Transportation Cabinet. A
12 [No] court shall not waive or stay this procedure.

13 (6) If [should] a person convicted under this
14 chapter whose license is revoked fails [fail] to
15 surrender it to the court upon conviction, the court shall
16 issue an order directing the sheriff or [say] other
17 peace officer to seize the license [forthwith] and
18 deliver it to the court.

19 Section 4. KRS 189A.410 is amended to read as
20 follows:

21 (1) At any time following conviction for a first
22 offense violation of KRS 189A.010, or at any time
23 following the expiration of thirty (30) day pretrial
24 suspension pursuant to KRS 189A.200(1)(b), the court shall
25 grant the person hardship driving privileges for the final
26 sixty (60) days of his initial ninety (90) day revocation,

1 except as provided in subsection (2) of Section 2 of this
2 Act, upon written petition of the defendant, if it finds
3 reasonable cause to believe that revocation would hinder
4 the person's ability to:

5 (a) Continue his employment;

6 (b) Continue attending school or an educational
7 institution;

8 (c) Obtain necessary medical care;

9 (d) Attend driver improvement, alcohol, or substance
10 abuse education programs; or

11 (e) Attend court-ordered counseling or other
12 programs.

13 (2) The court shall not issue a hardship license to
14 a person who has refused to take an alcohol concentration
15 or substance test or tests offered by a law enforcement
16 officer.

17 Section 5. The following KRS section is repealed:

18 218A.991 Revocation or denial of operator's license.



EDWIN W. EDWARDS
GOVERNOR

State of Louisiana

OFFICE OF THE GOVERNOR

Baton Rouge

70804-9004

POST OFFICE BOX 94004
(504) 342-7015

June 30, 1993

Mr. Federico Peña
Secretary, U.S.
Department of Transportation
400 7th Street, SW
Washington, D.C. 70590

Attn: Ms. G.S. Jupinko, Region VI
Regional Administrator
National Highway Traffic
Safety Administration

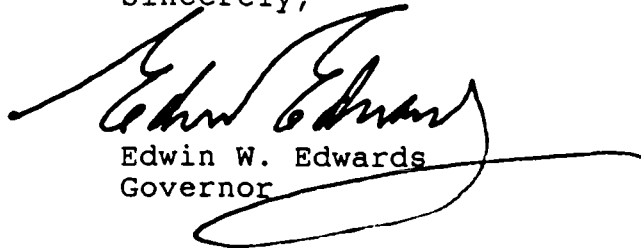
Dear Secretary Peña:

Federal law, in particular 23 U.S.C. 159 and 23 CFR 1212, et seq., requires states either to enact and enforce a law requiring a six month revocation or suspension of the driver's license of any individual convicted of a drug offense, or to certify that the legislature and the governor oppose such a law. The Louisiana Legislature opposed the enactment of such a law. The will of the legislature reflects the will of the people of the state. For the foregoing reason and for reasons espoused in the attached resolution, I, too, oppose the enactment of such a law.

In light of the foregoing, I, Edwin W. Edwards, Governor of the State of Louisiana, do hereby certify that I am opposed to the enactment or enforcement of a law that conforms to 23 U.S.C. 159(a)(3)(A) and that the Legislature of the State of Louisiana has adopted Senate Concurrent Resolution No. 202 of the 1993 Regular Session expressing its opposition to such a law. A true copy of the aforementioned resolution is attached.

Louisiana should now be in compliance with 23 U.S.C. 159 and 23 CFR 1212, et seq. Thank you for your cooperation in and prompt attention to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Edwin Edwards', is written over the typed name and title. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Edwin W. Edwards
Governor

EWE:kjp

Enclosure

cc: Mr. William A. Sussman
District Administrator
Federal Highway Administration

UNITED STATES OF AMERICA

State of Louisiana

Jox McKeithen
SECRETARY OF STATE

As Secretary of State, of the State of Louisiana, I do hereby Certify that
the annexed and following pages contain a true and correct copy of
Senate Concurrent Resolution No. 202 of the 1993 Regular Session of
the Louisiana Legislature as shown by comparison with the original on
file in the archives of this office.

*In testimony whereof, I have hereunto set
my hand and caused the Seal of my Office
to be affixed at the City of Baton Rouge on,
this the 30th day of June, 1993.*

Jox McKeithen

Secretary of State





THE SENATE
OFFICE OF THE SECRETARY

MICHAEL S. BAER, III
SECRETARY

P. O. Box 44290
BATON ROUGE, LOUISIANA 70804
(504) 342-2189

June 25, 1993

Mr. Federico Peña
Secretary
Department of Transportation
400 7th Street, S. W.
Room 10200
Washington, D.C. 20590

Dear Mr. Peña:

Enclosed please find a copy of Senate Concurrent Resolution No. 202
which I have been instructed to forward to you.

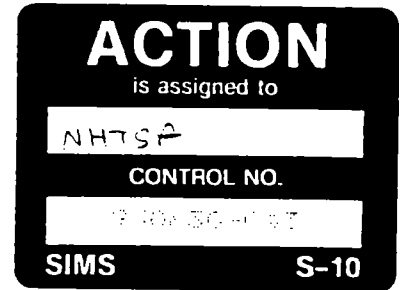
With kindest regards and best wishes, I am

Yours very truly,

Michael S. Baer, III
Secretary of the Senate

MSB/fo

Enclosure



Regular Session, 1993

SENATE CONCURRENT RESOLUTION NO. 202

BY SENATOR LANDRY AND REPRESENTATIVE GUZZARDO



ORIGINATED

IN THE

SENATE

S-213 (R/83)


SECRETARY OF THE SENATE

Regular Session, 1993

SENATE CONCURRENT RESOLUTION NO. 202

BY SENATOR LANDRY AND REPRESENTATIVE GUZZARDO

A CONCURRENT RESOLUTION

To express legislative opposition to federal requirements regarding six months suspension or revocation of driving privileges for anyone adjudicated delinquent or convicted of a drug offense.

WHEREAS, the federal government has enacted legislation to withhold federal aid highway funds in this state unless the legislature and the governor consider and act upon state legislation related to the suspension or revocation of the driver's license of any person convicted of drug offenses; and

WHEREAS, the granting or withholding of driving privileges is and always has been a prerogative of the states to decide for themselves, not the federal government; and

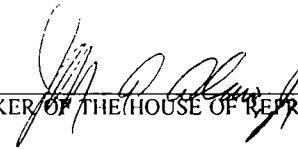
WHEREAS, the federal law provides that a state may avoid loss of federal aid highway funds if the legislature enacts a resolution expressing its opposition to such legislation and the governor conveys the governor's disapproval and the legislature's resolution to the United States Secretary of Transportation.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby expresses its opposition to requirements imposed by the federal government for the revocation or suspension of drivers' licenses of individuals convicted of or adjudicated delinquent of any drug offense or to delay the issuance or reinstatement of a driver's license for such persons.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the secretary of the United States Department of Transportation.



PRESIDENT OF THE SENATE

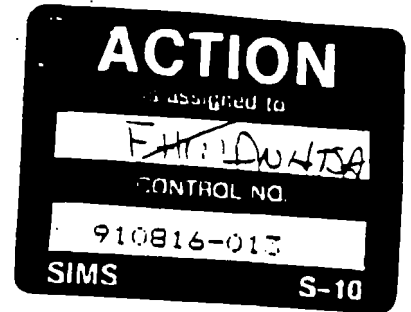


SPEAKER OF THE HOUSE OF REPRESENTATIVES



JOHN R. MCKERNAN, JR.
GOVERNOR

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE
04333



August 13, 1991

Samuel K. Skinner, Secretary
U. S. Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590

Dear Mr. Secretary:

I write to you regarding P.L. 101-516 of the FY '91 U.S. DOT Appropriations Act. This section of law concerns revocation or suspension of the driver licenses for individuals convicted of drug offenses. I am opposed to the enactment or enforcement in the State of Maine of such a law described in sub-paragraph (A) of the above cited Section 333.

Further, I take this opportunity to submit this written certification that the 1st Regular Session of the 115th Maine Legislature recently adopted a resolution opposing the same sub-paragraph (A) of Section 333. I have attached a true copy of that resolution which was passed on June 4, 1991 by the 115th Legislature. The session adjourned on July 18, 1991.

I believe that the State of Maine is now in compliance with P.L. 101-516, Section 333. Thank you for your attention to this matter.

Sincerely,

John R. McKernan, Jr.
Governor

JRM/lba

cc: Dana F. Connors, MDOT
William D. Richardson, FHWA

9108260001



STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY-ONE

JOINT RESOLUTION EXPRESSING THE LEGISLATURE'S OPPOSITION
TO FEDERAL LEGISLATION REQUIRING SUSPENSION OF
LICENSES FOR INDIVIDUALS CONVICTED OF VIOLATIONS OF
THE FEDERAL CONTROLLED SUBSTANCES ACT

WHEREAS, the Federal Government has enacted legislation to withhold federal aid to highways in this State unless the Legislature and the Governor consider and act upon state legislation related to the suspension or revocation of the driver's license of any person convicted of drug offenses; and

WHEREAS, the Joint Standing Committee on Legal Affairs has considered proposed legislation consistent with the federal requirement and has voted to recommend that the legislation ought not to pass; and

WHEREAS, the reasons for the negative recommendation include a belief that the granting or withholding of driving privileges is and always has been a prerogative of the states to decide for themselves, not the Federal Government; and

WHEREAS, the federal law provides that a state may avoid loss of federal highway funds if the legislature enacts a resolution expressing its opposition to such legislation and the governor conveys the governor's disapproval and the legislature's resolution to the United States Secretary of Transportation; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fifteenth Legislature, now assembled in the First Regular Session, express our opposition to the enactment of legislation required by the Federal Government to revoke or suspend the drivers' licenses of individuals convicted of violations of the Controlled Substances Act or any drug offense or to delay the issuance or reinstatement of a driver's license for a person so convicted; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable John R. McKernan, Jr., Governor, for conveyance to the United States Secretary of Transportation.

510732

HOUSE OF REPRESENTATIVES
READ AND ADOPTED

JUN 5 1991
IN CONCURRENCE

Edwin R. ...
CLERK

IN SENATE CHAMBER
READ AND ADOPTED

JUN 4 1991

JOY J. O'BRIEN
SECRETARY

SENT DOWN FOR CONCURRENCE

9503W-LR2723(1)

1ST DOCUMENT of Level 1 printed in FULL format.

MARYLAND ADVANCE LEGISLATIVE SERVICE

1992 REGULAR SESSION

CHAPTER 4
HOUSE JOINT RESOLUTION NO. 13

1992 Md. ALS 4; 1992 Md. Laws 4; 1992 Md. Ch. 4; 1992 Md. HJR 13

SYNOPSIS: A House Joint Resolution concerning
Controlled Dangerous Substances -- Suspension of Driver's Licenses

FOR the purpose of bringing the State into compliance with Federal Public Law 101-516 by stating the General Assembly's opposition to the suspension of driver's licenses for drug convictions; urging the Governor to certify to the federal government his opposition to a law requiring the suspension of driver's licenses for drug convictions; and generally relating to the suspension of driver's licenses for drug convictions.

WHEREAS, Federal Public Law 101-516 requires the states either to enact and enforce a law requiring in all cases, absent extraordinary circumstances, the mandatory suspension of driver's licenses for any drug-related conviction or for the state legislature and governor to oppose the enactment of such a law; and

WHEREAS, Failure to comply with this law will result in the loss of federal highway funds for the State; and

WHEREAS, The State is currently in a budget crisis; and

WHEREAS, It has been estimated that complying with Public Law 101-516 by suspending driver's licenses for drug convictions will cost the State well over \$ 2 million, including costs to the Motor Vehicle Administration, the Office of Public Defender, and to the courts; and

WHEREAS, There is no funding being provided by the federal government to suspend driver's licenses; and

WHEREAS, By the passage of this House Joint Resolution and by the certification by the Governor of Maryland the State of Maryland will suffer no diminution of federal highway funds and also avoid the great expense of enforcement; and

WHEREAS, Spending money to suspend driver's licenses can only result in deeper cuts to other vital State services, causing further harm to the health, safety, and welfare to the citizens of the State; and

WHEREAS, The loss of a driver's license has a more severe impact in the rural areas of the State where there is no mass transit, causing increased hardship for people in these areas; and

WHEREAS, The General Assembly has consistently opposed using driver's license suspensions as a sanction for activities related to driving or improper use of the license; and

1992 Md. ALS 4; 1992 Md. Laws 4; 1992 Md. Ch. 4; 1992 Md. HJR 13

WHEREAS, Maryland currently has a vast array of laws designed to deter and punish both drug dealers and casual users, including laws providing for the loss of professional licenses, drug-free school zones, strict forfeiture provisions, money laundering prohibitions, drug kingpin legislation, and possible loss of State employment, in addition to the possibility of fines and imprisonment; now, therefore, be it

RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That the General Assembly opposes the mandatory suspension of driver's licenses for drug convictions; and be it further

RESOLVED, That the General Assembly urges Governor William Donald Schaefer to comply with the provisions of Public Law 101-516 by certifying his opposition to the enactment of a law requiring driver's license suspensions for drug convictions and forwarding a copy of this Resolution to the federal government certifying the opposition of the General Assembly to such a law, and be it further

RESOLVED, That a copy of this Resolution be forwarded by the Department of Legislative Reference to the Honorable William Donald Schaefer, Governor of Maryland; the Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and the Honorable R. Clayton Mitchell, Jr., Speaker of the House of Delegates.

RESOLVED, That a copy of this Resolution be forwarded to the Department of Legislative Reference to the Maryland Congressional Delegation; Senators Paul S. Sarbanes and Barbara A. Mikulski, Senate Office Building, Washington, D.C. 20510; and Representatives Wayne T. Gilchrest, Helen Delich Bentley, Benjamin L. Cardin, C. Thomas McMillen, Steny H. Hoyer, Beverly B. Byron, Kweisi Mfume, and Constance A. Morella, House Office Building, Washington, D.C. 20515.

HISTORY:

Introduced and read first time: January 31, 1992

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 1992

SPONSOR: Delegates Maloney and Masters



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

JOHN ENGLER
GOVERNOR

May 2, 1994

The Honorable Frederico Pena
Secretary of the U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590

Dear Secretary Pena:

Enclosed please find five (5) copies of Public Acts of 1993, No. 359 (Enrolled Senate Bill 222); PA 1993, No. 360 (Enrolled Senate Bill 267); PA 1993, No. 361 (Enrolled House Bill 4075); and House Concurrent Resolution No. 73 of the 87th Legislature of the State of Michigan.

Federal law, 23 U.S.C 159(A)(3)(A) and related regulations, requires the withholding of federal aid highway funds from states that do not enact legislation requiring the revocation or suspension of an individual's driver's license upon conviction of violating the Controlled Substance Act or any drug offense or, alternatively, that do not submit a written certification from the Governor, together with a resolution of the Legislature, expressing opposition to enactment of the federal mandate.

Upon review of PAs 359, 360 and 361 of 1993, you will note that Michigan has enacted responsible legislation that substantially meets the federal mandate but not the strict detailed requirements of 23 U.S.C. 159 and part 1212 of title 23 of the code of federal regulations.

Michigan's legislation requires the suspension of a driver's license for at least six months if a person is convicted of a controlled substance violation or a steroid offense. The legislation does not require the suspension of a driver's license for a major controlled substance offense for which the penalty is life imprisonment without parole or for a minimum term of imprisonment that exceeds one (1) year. The Michigan Legislature deemed it an inappropriate use of state resources to process a driver's license suspension for an individual who would be imprisoned during and after the term of the license suspension. I believe the Legislature acted correctly in exempting license sanctions under these circumstances.

Furthermore, please note that Michigan's legislation has been given an effective date of September 1, 1994, and that the license sanction provisions, contrary to the federal mandate, apply to violations of law that occur on or after



The Honorable Frederico Pena
Page Two
May 2, 1994

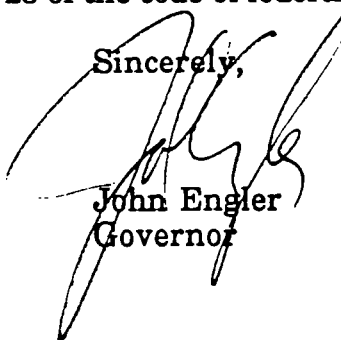
September 1, 1994. To apply these new driver's license sanctions to individuals convicted of drug offenses prior to the effective date of the legislation establishing the new sanctions would constitute an improper, ex post facto suspension. The Michigan Legislature and I are opposed to any federal mandate requiring the State of Michigan to deny citizens their constitutional rights.

Consequently, the 87th Michigan Legislature, in addition to PAs 359, 360 and 361 of 1993, passed House Concurrent Resolution No. 73. By this resolution, the House of Representatives, with the Senate concurring, opposes the federal mandate to enact a state law strictly conforming to the provisions of 23 U.S.C. 159 and part 1212 of title 23 of the code of federal regulations.

In light of the above and as required by federal law, I hereby certify that I am opposed to the enactment and enforcement of a law that strictly conforms to 23 U.S.C. 159(a)(3)(A) and I further certify that the 87th Legislature of the State of Michigan has adopted HCR 73 expressing its opposition to such law.

With the enactment of PAs 359, 360 and 361 of 1993 and the passage of House Concurrent Resolution 73, I believe that Michigan is in full compliance with 23 U.S.C. 159 and part 1212 of title 23 of the code of federal regulations.

Sincerely,



John Engler
Governor

JE:ml:klk

Enclosures

cc: Ms. Patricia A. Woodworth, Director, Michigan Department of Management and Budget
Mr. Patrick M. Nowak, Director, Michigan Department of Transportation
Col. Michael D. Robinson, Director, Michigan Department of State Police
The Honorable Richard H. Austin, Michigan Secretary of State
Mr. Elliott Smith, Director, Michigan Legislative Service Bureau

STATE OF MICHIGAN



MICHIGAN LEGISLATURE

House Concurrent Resolution No. 73

Offered by Representatives Jondahl, Martin, Rivers, Cropsey,
Scott, Gubow, Walberg, DeLange, Berman, Pironak and Middleton

A CONCURRENT RESOLUTION EXPRESSING THE MICHIGAN LEGISLATURE'S OPPOSITION TO THE FEDERAL MANDATE TO ENACT A STATE LAW REQUIRING THE AUTOMATIC REVOCATION OR SUSPENSION OF THE DRIVER'S LICENSE OF EVERY INDIVIDUAL CONVICTED OF ANY DRUG OFFENSE AND URGING THE GOVERNOR TO CERTIFY HIS OPPOSITION TO SUCH A LAW

WHEREAS, Section 333 of the federal Department of Transportation and Related Agencies Appropriations Act for Fiscal Year 1991 mandates the withholding of certain federal-aid highway funds from states that by September 30, 1993, fail to either:

enact legislation strictly conforming to 23 USC 159 and part 1212 of title 23 of the code of federal regulations, requiring the suspension of an individual's driver's license upon conviction of a violation of the federal Controlled Substance Act or any drug offense; or
certify that the Governor is opposed to the enactment of such a law and that both houses of the legislature have adopted written certification expressing opposition to such a law; and

WHEREAS, 23 USC 159 and part 1212 of title 23 of the code of federal regulations offer no flexibility for states that have adopted legislation suspending the driver's license of convicted drug offenders but tailor the legislation to fit the individual needs of their state; and

WHEREAS, The rules promulgated for the federal mandate require that a state suspend the driver's license of an individual who will be imprisoned long after the required suspension—a suspension that will cost the state of Michigan valuable resources for administration, and will have little or no effect on the incarcerated drug offender; and

WHEREAS, The Michigan Legislature has determined that there is a constructive suspension of the driver's license for a convicted drug offender who is sentenced to life imprisonment or to a minimum term of imprisonment that exceeds one year, and that it would be fiscally irresponsible to suspend the license of long term prisoners; and

WHEREAS, The federal mandate requires an improper ex post facto suspension of a driver's license as part of the sentence for offenses committed prior to the effective date of the legislation; and

WHEREAS, The Governor of the state of Michigan is on record in support of using driver's license sanctions to strengthen our laws pertaining to driving under the influence of drugs and other drug laws; and

WHEREAS, The Governor of the state of Michigan supports the Michigan Legislature's adoption of responsible legislation which meets the spirit of the federal mandate but not the strict detailed requirements of 23 USC 159 and part 1212 of title 23 of the code of federal regulations; and

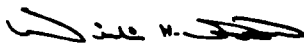
WHEREAS, The Michigan Legislature disapproves of Congress's attempt to coerce Michigan into adopting specific legislative policy through threat of federal highway fund sanctions; now, therefore, be it

RESOLVED BY THE HOUSE OF REPRESENTATIVES (the Senate concurring), That we hereby oppose the federal mandate to enact a state law strictly conforming to the provisions of 23 USC 159 and part 1212 of title 23 of the code of federal regulations; and be it further

RESOLVED, That we urge the Governor to certify to the United States Secretary of Transportation his opposition to Michigan adopting legislation strictly conforming to the federal mandate; and be it further

RESOLVED, That a copy of this resolution be transmitted to the Governor and the United States Secretary of Transportation.

Adopted by the House of Representatives, April 1, 1993
Adopted by the Senate, December 24, 1993


Secretary of the Senate


Co-Clerk of the House of Representatives





STATE OF MINNESOTA

OFFICE OF THE GOVERNOR

SAINT PAUL 55155

612-296-3391

ARNE H. CARLSON
GOVERNOR

March 25, 1993

Mr. Federico Pena
Secretary of Transportation
400 - 7th Street SW
Washington, D.C. 20590

Re: P.L. 101-516, Section 333

Dear Secretary Pena:

Pursuant to 23 U.S.C.104(a)(3)(B)(i) I hereby certify that both houses of the Minnesota State Legislature have adopted and I have concurred with the attached resolution (S.F. 12) expressing opposition to the enactment of a federally mandated law relating to revocation, suspension, issuance or reinstatement of drivers licenses.

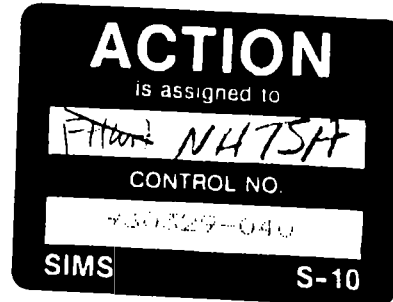
This resolution is intended to satisfy the requirements under 23 U.S.C. 104(a)(3)(B)(ii) which will protect the state of Minnesota from the loss of federal highway funds.

Thank you for your attention to this matter.

Warmest regards,

ARNE H. CARLSON
Governor

Attachment



9 30 40 20 0 0 2

An Equal Opportunity Employer



805

RESOLUTION No. 1
S.F. No. 12

This resolution was passed in conformity to the rules of each house and the joint rules of the two houses as required by the Constitution of the State of Minnesota.

Allan H. Spear
Allan H. Spear
President of the Senate.

Dee Long
Dee Long
Speaker of the House of Representatives.

Passed the Senate on March 1, 1993.

Patrick E. Flahaven
Patrick E. Flahaven
Secretary of the Senate.

Passed the House of Representatives on March 18, 1993.

Edward A. Burdick
Edward A. Burdick
Chief Clerk, House of Representatives.

This resolution is properly enrolled and was presented to the Governor on March 23, 1993.

Harry M. Walsh
Harry M. Walsh
Revisor of Statutes.

Approved on Mar 25, 1993, at 3:35 P. M.

9 30 40 20 00 2

Anne H. Carlson
Anne H. Carlson

A RESOLUTION

1
2 expressing the legislature's opposition to federal
3 legislation requiring suspension of licenses for
4 individuals convicted of violations of the federal
5 Controlled Substances Act.

6
7 WHEREAS, the federal government has enacted legislation to
8 withhold federal aid to highways in this state unless the
9 legislature and the governor consider and act upon state
10 legislation related to the suspension or revocation of the
11 driver's license of any person convicted of drug offenses; and

12 WHEREAS, the Minnesota commissioners of transportation and
13 public safety have considered the proposed legislation
14 consistent with the federal requirement and have recommended
15 that the legislation ought not to pass; and

16 WHEREAS, the reasons for the negative recommendation
17 include a belief that the granting or withholding of driving
18 privileges is and always has been a prerogative of the states to
19 decide for themselves, not the federal government; and

20 WHEREAS, the federal law provides that a state may avoid
21 loss of federal highway funds if the legislature enacts a
22 resolution expressing its opposition to such legislation and the
23 governor conveys the governor's disapproval and the
24 legislature's resolution to the United States Secretary of
25 Transportation; NOW, THEREFORE,

RESOLUTION No. 1

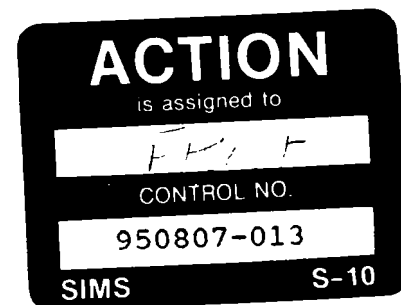
S.F. No. 12

1 BE IT RESOLVED by the Legislature of the State of Minnesota
2 that it expresses its opposition to the enactment of legislation
3 required by the federal government to revoke or suspend the
4 drivers' licenses of individuals convicted of violations of the
5 Controlled Substances Act or any drug offense or to delay the
6 issuance or reinstatement of a driver's license for a person so
7 convicted.

8 BE IT FURTHER RESOLVED that the Secretary of State of the
9 State of Minnesota is directed to prepare certified copies of
10 this memorial and transmit them to the governor for conveyance
11 to the United States Secretary of Transportation.



OFFICE OF THE GOVERNOR
STATE OF MISSOURI
JEFFERSON CITY
65101



MEL CARNAHAN
GOVERNOR

STATE CAPITOL
ROOM 216
(314) 751-3222

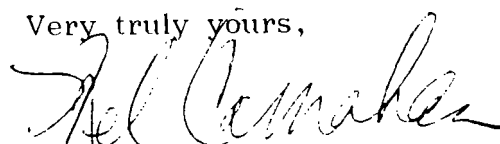
August 2, 1995

The Honorable Federico Pena
Secretary
U. S. Department of Transportation
400 Seventh Street, S. W.
Washington, DC 20590

Dear Secretary Pena:

I, Mel Carnahan, Governor of the State of Missouri, do hereby certify that Missouri continues to be opposed to the enactment and enforcement of a law that conforms to Section 23 U.S.C. 159 (a)(3)(A).

Very truly yours,


Mel Carnahan

MC/bh

c: Norman McPherson, Regional Administrator
National Highway Traffic Safety Administration

Kevin Kelly
Federal Highway Administration

Gary Kempker, Director
Department of Public Safety

Joe Mickes, Chief Engineer
Missouri Highway and Transportation Department

Dan A. Needham, Director
Missouri Division of Highway Safety

L. R. No. 679-2

HOUSE SUBSTITUTE

FOR

HOUSE BILL NO. 169

AN ACT

Relating to motor vehicles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

Section 1. The general assembly of the state of Missouri
hereby enacts the following resolution:

WHEREAS, in recent years, the number of federal "riders" or
conditions attached to federal funds earmarked for the states has
increased dramatically; and

WHEREAS, these riders threaten the states with subsequent
loss of the federal funds if they do not adopt certain policies
or laws; and

WHEREAS, according to the National Governors Association,
states currently face 13 different financial penalties under
which they can lose from five to 100 percent of their highway
funds for failure to comply with federal requirements; and

WHEREAS, the government of the United States has a difficult
time conceiving of the proposition that each state is a sovereign
general purpose government and the proposition that the
government of the United States is a limited purpose government;
and

WHEREAS, it is imperative that the state of Missouri assist

ADOPTED PERFECTED JAN 26 1993

JAN-28-93 THU 10:13 10:REVENUE CLR

TEL NO:314-526-4597

#136 P02

in the education of the government of the United States with regard to the concept of sovereignty of the states; and

WHEREAS, under the provisions of Section 333 of the "Department of Transportation and Related Agencies Appropriations Act of 1991", the Congress of the United States has mandated that the Secretary of Transportation is required to withhold five percent of the State's portion of the federal aid to highway funds where a State has not enacted a law which complies in every respect to the federal concept of revoking or suspending the driver's licenses of convicted drug offenders; and

WHEREAS, the Congress of the United States has provided States with the option under the provisions of Section 333 of the "Department of Transportation and Related Agencies Appropriations Act of 1991", so to not lose federal aid to highway funds, the General Assembly may adopt a resolution expressing its opposition ^{"being coerced by the Federal government into"} to enacting a law to revoke or suspend the driver's licenses of convicted drug offenders; and

WHEREAS, so to not lose federal aid to highway funds, the Governor of the State must also certify to the Secretary of Transportation that his State is opposed to ^{being forced by the Federal government into} the enactment and enforcement of a law revoking or suspending the driver's licenses of convicted drug offenders solely for the purpose of avoiding federal sanctions:

NOW, THEREFORE, BE IT RESOLVED by the Missouri House of Representatives of the Eighty-seventh General Assembly, the Senate concurring therein, that the Missouri General Assembly certifies to the U. S. Secretary of Transportation under the

JAN-28-93 THU 10:13 ID:REVENUE DLR

TEL NO:314-526-4597

#136 P03

provisions of Section 333 of the "Department of Transportation and Related Agencies Appropriations Act of 1991" that it is opposed to the enactment and enforcement of a law relating to the revocation, suspension, issuance, and reinstatement of the driver's licenses of persons convicted of violations of the Controlled Substances Law simply for the purpose of complying with another federal mandate; and

BE IT FURTHER RESOLVED that the Missouri General Assembly, so as to not lose federal aid to highway funds, and in order to help the government of the United States understand its limited mission, urges the Governor of the State of Missouri to also certify to the Secretary of Transportation that his State is ^{being forced by the federal government} opposed to the enactment and enforcement of a law revoking or suspending the driver's licenses of convicted drug offenders; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, United States Secretary of Transportation, the Governor of the State of Missouri, and the members of Missouri's Congressional delegation.

JAN-28-'93 THU 10:14 ID:REVENUE CLR

TEL NO:314-526-4597

H136 P04

HOUSE _____ AMENDMENT NO. 1

OFFERED BY

MR. LOGRASSO of 54th
 Amend HS. Bill for H.R. 1169 Page 3 Section _____ Line 13

by

adding between the words "opposed" and "to"
 the words "being forced by the federal
 government"

and further amend said bill on page
 2, line 16 by adding between the words
 "to" and "enacting" the words "being
 coerced by the federal government into"

and further amend said bill on page 2,
 line 20 by adding between the words
 "to" and "then" the words "being forced
 by the federal government into"

ADOPTED

Action Taken

Date

JAN 26 1993

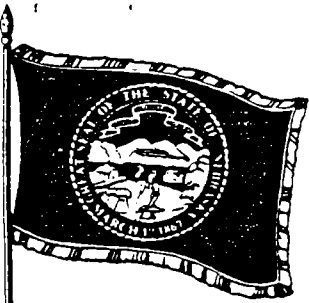
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TEL NO: 314-526-4597

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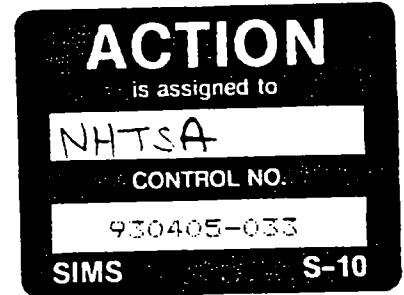
Nebraska Unicameral Legislature



PATRICK J. O'DONNELL
Clerk of the Legislature
Room 2018
Phone (402) 471-2271

March 31, 1993

RICHARD BROWN
Assistant Clerk of the Legislature
Room 2014
Phone (402) 471-2271



Mr. Federico F. Peña
Secretary of Transportation
U. S. Dept. of Transportation
400 Seventh St., SW
Washington, DC 20590

Dear Mr. Peña:

I have enclosed a copy of engrossed Legislative Resolution No. 53 which was adopted by the Nebraska Unicameral on the thirty-first day of March, 1993. The members of the Nebraska Legislature have directed me to forward this resolution to you.

Please feel free to contact me should you have any questions regarding this resolution.

With kind regards.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick J. O'Donnell".

Patrick J. O'Donnell
Clerk of the Legislature

PJO:r

Enc.



NINETY-THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE RESOLUTION 53

Introduced by Kristensen, 37; Lindsay, 9; Pedersen, 39

WHEREAS, Section 333 of the Fiscal Year 1991 United States Department of Transportation Appropriation Act entitled "Revocation or Suspension of the Driver's License of Individuals Convicted of Drug Offenses" requires states to enact legislation requiring the revocation or suspension of an individual's driver license upon conviction of any drug-related offense; and

WHEREAS, Section 333 requires withholding five percent of certain federal-aid highway funds in Fiscal Year 1994 and 1995 and ten percent in subsequent years from states that fail to enact legislation; and

WHEREAS, Section 333 provides the following procedure to avoid the sanctions without enacting the legislation:

"(B) The Governor of the State --

(i) submits to the Secretary no earlier than the adjournment sine die of the first regularly scheduled session of the state's legislature which begins after the date of enactment of this section a written certification stating that he is opposed to the enactment or enforcement in his state of a law described in subparagraph (A) relating to revocation, suspension, issuance, or reinstatement of driver's licenses to convicted drug offenders; and

(ii) submits to the Secretary a written certification that

the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law described in clause (i)"; and

WHEREAS, the Tenth Amendment to the Constitution of the United States provides that: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

WHEREAS, while drug abuse remains a paramount and priority national problem, the imposition of federal highway fund sanctions upon states does not appropriately address or respond to the problem; and

WHEREAS, the reasons for the negative recommendation include a belief that the granting or withholding of driving privileges is and always has been a prerogative of the states to decide for themselves, not the federal government.

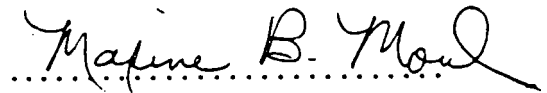
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature opposes enactment or enforcement in this state of any federally mandated law relating to revocation, suspension, issuance, or reinstatement of driver's licenses including the sanction described in 23 U.S.C. 159.

2. That Congress repeal 23 U.S.C. 159 and allow states the right to determine and impose appropriate sanctions upon driving privileges of drug offenders within state boundaries.

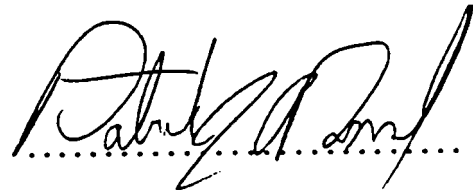
3. That this resolution is intended to satisfy the requirement under 23 U.S.C. 159(a)(3)(B)(i) and (ii) which will protect the State of Nebraska from the loss of federal highway funds under 23 U.S.C. 159(a)(1) and (2).

4. That the Clerk of the Legislature transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the United States Secretary of Transportation, and to the Nebraska Congressional Delegation.



PRESIDENT OF THE LEGISLATURE

I, Patrick J. O'Donnell, hereby certify that the foregoing is a true and correct copy of Legislative Resolution 53, which was passed by the Legislature of Nebraska in Ninety-Third Legislature, First Session, on the thirty-first day of March, 1993.



CLERK OF THE LEGISLATURE

STATE OF NEW HAMPSHIRE

OFFICE OF THE GOVERNOR

STEPHEN MERRILL
GOVERNOR



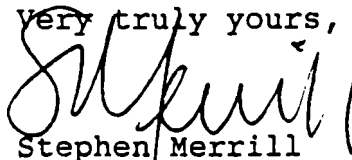
January 28, 1994

George A. Luciano
Region I Administrator
National Highway Traffic
Safety Administration
Kendall Square
Cambridge, Massachusetts 02142

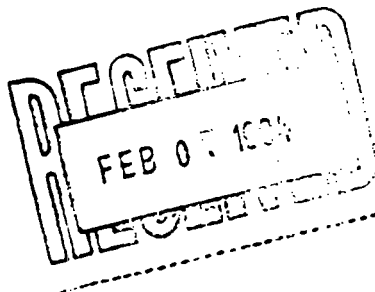
Dear Mr. Luciano:

I, Stephen E. Merrill, Governor of the State of New Hampshire, do hereby certify that the State of New Hampshire continues to be opposed to the enactment and enforcement of a law that conforms to 23 U.S.C. Section 159(a)(3)(A).

Very truly yours,


Stephen Merrill
Governor

SM/clr



0219B
93-0130
03

HB 269-FN

STATE OF NEW HAMPSHIRE

In the year of Our Lord one thousand
nine hundred and ninety-three

AN ACT

extending the minimum period for driver's license revocation
or suspension for drug offenses.

Be it Enacted by the Senate and House of Represen-
tatives in General Court convened:

1 1 Time for Suspension or Revocation of License Extended. Amend RSA
2 263:56-b, II to read as follows:

3 II. The director shall revoke the driver's license or deny an
4 application for a license for not less than 90 days but not more than one
5 year on the first finding or conviction under paragraph I for alcohol,
6 and not less than 180 days but not more than one year on the first finding
7 or conviction under paragraph I for drugs, and not less than [6 months]
8 1 year but not more than 2 years for a subsequent finding or
9 conviction; provided, however, that the director shall not revoke or deny a
10 license under this paragraph without first giving the person an opportunity
11 for a hearing. In the case of denial of an application for a license, the
12 period imposed shall begin on the date the person is eligible by age for
13 the issuance of a license.

14 2 Conviction for Drug Offense Added. Amend RSA 263:77, IV(a)(2) to
15 read as follows:

16 (2) Driving a motor vehicle while under the influence of
17 intoxicating liquor or narcotic drug, or under the influence of any other

HB 269-FN

- 2 -

1 motor vehicle, or a conviction for any drug offense;

2 3 New Paragraph; Time for Subsequent Offense Added. Amend RSA 263:94
3 by inserting after paragraph III the following new paragraph:

4 IV. If a person's license is already revoked or suspended at the
5 time he is convicted of a drug offense, the revocation or suspension period
6 assessed for such offense shall not commence until the conclusion of the
7 existing revocation or suspension.

8 4 Loss of License; Rulemaking. Amend RSA 265:80 to read as follows:

9 265:80 Possession of Drugs; Loss of License for Drug Offenses.

10 I. Any person who drives on any way a vehicle while knowingly
11 having in his possession or in any part of the vehicle a controlled drug or
12 controlled drug analog in violation of the provisions of RSA 318-B shall be
13 guilty of a misdemeanor, and his license shall be revoked or his right to
14 drive denied for a period of 60 days and at the discretion of the court for
15 a period not to exceed 2 years.

16 II.(a) Any person who has been convicted of a drug offense shall
17 have his driver's license revoked or suspended or his right to drive
18 denied, for a minimum period of 6 months and at the discretion of the court
19 for a period not to exceed 2 years.

20 (1) For the purposes of this section, "drug offense" means
21 driving under the influence of drugs in violation of RSA 265:82 or RSA
22 265:82-a, the possession, distribution, manufacture, cultivation, sale,
23 transfer, or the attempt or conspiracy to possess, distribute, manufacture,
24 cultivate, sell, or transfer any substance the possession of which is
25 prohibited under RSA 318-B, the controlled drug act.

HB 269-FN

- 3 -

1 (2) For the purposes of this section, conviction shall include
2 an adjudication under juvenile proceedings.

3 (b) Except as specifically provided in this section, the penalty
4 provisions of this section shall be in addition to the penalty provisions
5 of RSA 265:82-b.

6 III. Any person whose license was under revocation or suspension or
7 who did not have a license at the time he was convicted of a drug offense
8 as defined in RSA 265:80, II, shall, upon application for his driver's
9 license or his right to drive, or the reinstatement thereof, be required to
10 wait a minimum of 6 months before any action shall be required by the
11 department relative to processing any such application.

12 IV. Any person shall have his driver's license revoked or suspended
13 or his right to drive denied for a minimum of 6 months if convicted of any
14 drug offense in another state.

15 V. The commissioner of safety shall notify other states of the
16 conviction of a resident of that state for a drug offense in this state.
17 The commissioner shall adopt rules, pursuant to RSA 541-A, to establish a
18 system for the collection and dissemination of information relative to this
19 section.

20 5 Penalty for Drug Use and Driving Added. Amend RSA 265:82-b, I(a), to
21 read as follows:

22 (a) Notwithstanding the provisions of title LXII, be guilty of a
23 violation and fined not less than \$350 and not more than \$1,000; and, if a
24 resident of this state, his driver's license or driving privilege or, if he
25 is a nonresident, his privilege as an out of state driver to drive on any

HB 269-FN

- 4 -

ways of this state shall be revoked for a period of not less than 90 days for driving under the influence of intoxicating liquor or 180 days for driving under the influence of any controlled drugs, or any combination of intoxicating liquor or controlled drugs; and, in either situation, at the discretion of the court, such revocation of a license of resident or nonresident driving privilege may be extended for a period not to exceed 2 years;

6 Effective Date. This act shall take effect January 1, 1994.

HB 269-FN

LBAO
LSR 93-0130
11/18/92

FISCAL NOTE for an act extending the minimum period for driver's license revocation or suspension for drug offenses.

FISCAL IMPACT:

The Department of Safety indicates this bill may increase state highway fund revenues and expenditures. Local revenues may increase by an undeterminable amount. There will be no impact on county and local expenditures or county revenues.

METHODOLOGY:

The Department states it cannot predict the number of people that will be found guilty of drug offenses in the future. However, the impact on revenue should be positive to the extent that drivers suspended pay the required \$50 restoration of license fee and localities will share 12% of this revenue.



OFFICE OF THE GOVERNOR
STATE CAPITOL
SANTA FE, NEW MEXICO 87503

BRUCE KING
GOVERNOR

April 8, 1992

Mr. Andrew H. Card, Jr.
Secretary of Transportation
400 7th Street, SW
Room 10200
Washington, DC 20590

P-573 825 245

RECEIPT FOR CERTIFIED MAIL

USGPO 153 506 PS Form 3800, June 1985	To	Andrew H. Card, Jr., Sec. T
	Address	400 7th Street, SW, Room 102
	City, State and Zip Code	Wash., DC 20590
	Postage	
	Delivery Fee	
	Return Receipt Fee	
	Return Receipt Showing to Addressee Only	
	Return Receipt Showing to Addressee and Post Office	
	Total Postage and Fees	
	Date	April 9, 1992

Re: 23 U.S.C. § 159 Certification

Dear Secretary Card:

Pursuant to 23 U.S.C. § 159(a)(3)(B), (Section 333 of Pub. L. 102-143, 105 Stat. 944-947), I hereby certify that both houses of the Second Session of the 40th Legislature of the State of New Mexico have adopted the attached House Joint Resolution 11 expressing their opposition to the enactment of a law requiring the revocation or suspension of the driver's license of any person convicted of a drug offense or the denial of issuance or the reinstatement of a driver's license to any person convicted of a drug offense.

I further certify, for the reasons set forth in House Joint Resolution 11, my opposition to the enactment or enforcement of a law requiring the revocation or suspension of a driver's license of any person convicted of a drug offense, or the denial of issuance or the reinstatement of a driver's license to any person convicted of a drug offense.

Sincerely,

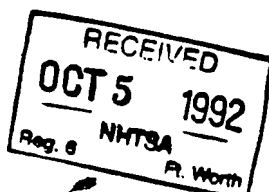
Bruce King

BRUCE KING,
Governor

BK/DM/FDK/ca

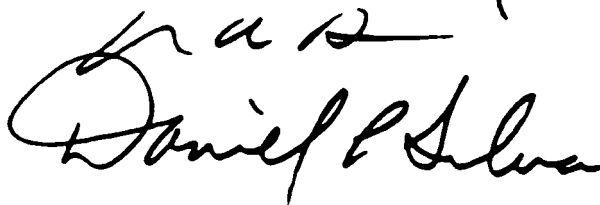
Enclosure

C	A	I	TO	DATE
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			DEZ	
			VSW	
			TES	
			ES	
			ERH	
STATES				
FILE				



1 HOUSE JOINT RESOLUTION //
2 40TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1991

3 INTRODUCED BY

4 
5
6
7
8
9

10 A JOINT RESOLUTION

11 CERTIFYING THE NEW MEXICO LEGISLATURE'S OPPOSITION TO SECTION 333 OF
12 THE FEDERAL DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES
13 APPROPRIATIONS ACT FOR FISCAL YEAR 1991.

14
15 WHEREAS, Section 333 of the federal Department of Transportation
16 and Related Agencies Appropriations Act for Fiscal Year 1991 mandates
17 the withholding of certain federal-aid highway funds from states that
18 by October 31, 1993, fail to either:

19 A. enact legislation requiring suspension of an
20 individual's driver's license upon conviction of any violation of the
21 federal Controlled Substances Act or any drug offense; or

22 B. certify that the governor is opposed to the enactment
23 of such a law and that the legislature has adopted written
24 certification expressing its opposition to such a law; and

25 WHEREAS, failure of this legislature to take either mandated

underscored material = new
[bracketed material] = deletion

1 action will result in the withholding of federal-aid highway funds;
2 and

3 WHEREAS, the state of New Mexico is concerned with drug abuse by
4 its citizens and has enacted numerous laws and initiated programs
5 aimed at reducing both the demand for and supply of illegal drugs;
6 and

7 WHEREAS, the state of New Mexico currently revokes the driver's
8 licenses of persons convicted of driving a motor vehicle under the
9 influence of drugs; and

10 WHEREAS, the revocation of a drug offender's driver's license
11 has not been shown to deter drug use; and

12 WHEREAS, congress' actions to coerce states into passing
13 ineffective laws is inappropriate; and

14 WHEREAS, the New Mexico legislature has and will continue to
15 address illegal drugs in effective and cost beneficial ways;

16 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE
17 OF NEW MEXICO that the New Mexico legislature certifies that it is
18 opposed to revoking the driver's license of any person convicted of a
19 drug offense if that person is not operating a motor vehicle; and

20 BE IT FURTHER RESOLVED that the New Mexico legislature will
21 continue its efforts in drug abuse education and enforcement programs
22 and will commit its limited resources to programs that, based on New
23 Mexico's experience, have a reasonable chance of reducing drug abuse.



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603-8001

JAMES B. HUNT JR.
GOVERNOR

September 28, 1993

Mr. Nicholas L. Graf, P.E.
Federal Highway Administrator
North Carolina Division
310 New Bern Avenue, Suite 410
Raleigh, North Carolina 27601

Dear Mr. Graf:

During my time as Governor of North Carolina I have personally worked to reduce drug abuse by our citizens. This includes a major effort to toughen penalties for driving while impaired by alcohol and drugs.

However, in order to comply with the requirements of 23 U.S.C. 159 (a) (3) (B) and the resolution passed by the North Carolina General Assembly, and to avoid loss of North Carolina highway funds I make the following certification:

" I, James B. Hunt, Jr., Governor of the State of North Carolina, do hereby certify that I am opposed to the enactment or enforcement of a law that conforms to 23 U.S.C. 159 (a) (3) (A) and that the General Assembly has adopted Resolution 30 (Senate Joint Resolution 1017) on July 24, 1993, expressing its opposition to such a law."

A copy of Resolution 30 is enclosed.

My warmest personal regards.

Sincerely,

A handwritten signature in black ink, appearing to read "J.B. Hunt, Jr.", written over the printed name "James B. Hunt, Jr.".

JBH:atl

Enclosure

cc: Sam Hunt, Secretary, N.C. Department of Transportation



GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION
RATIFIED BILL

RESOLUTION 30
SENATE JOINT RESOLUTION 1017

A JOINT RESOLUTION EXPRESSING OPPOSITION TO A FEDERAL REQUIREMENT TO WITHHOLD FEDERAL-AID HIGHWAY FUNDS UNLESS CERTAIN STATUTES ARE ENACTED TO SUSPEND THE DRIVERS LICENSE OF FELONY CONVICTIONS OF DRUG-RELATED OFFENSES.

Whereas, Section 333 of Public Law 102-143, "Revocation or Suspension of the Drivers' Licenses of Individuals Convicted of Drug Offenses", requires states to enact legislation requiring the revocation or suspension of an individual's drivers license upon conviction of any drug-related offense; and

Whereas, Section 333 requires withholding 5% of certain federal-aid highway funds in the 1994-95 fiscal year and 10% in subsequent years from states that fail to enact legislation; and

Whereas, Section 333 provides the following procedure to avoid the sanctions without enacting the legislation:

"(B) The Governor for the State --

- (i) submits to the Secretary no earlier than the adjournment sine die of the first regularly scheduled session of the State's legislature which begins after the date of enactment of this section a written certification stating that the Governor is opposed to the enactment or enforcement in the State of a law described in subparagraph (A), relating to revocation, suspension, issuance, or reinstatement of drivers' licenses to convicted drug offenders; and
- (ii) submits to the Secretary a written certification that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law described in clause (i)."; and

Whereas, Senate Bill 154, "License Revoked-Drug Offenses", providing for the revocation of an individual's drivers license upon conviction of any drug-related offense, was introduced during the 1991 Session of the General Assembly and failed to pass; and

Whereas, the federal government should not dictate policy or legislation of this kind for the State of North Carolina; and

Whereas, the Tenth Amendment to the Constitution of the United States provides that: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people";

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly opposes the enactment or enforcement in this State of a law requiring the revocation or suspension of an individual's drivers license upon conviction on any drug-related offense.

Sec. 2. The Secretary of State shall transmit a certified copy of this resolution to the Governor of the State of North Carolina and the Governor shall submit to the United States Secretary of Transportation:

- (1) A written certification that he is opposed to the enactment or enforcement of a law related to revocation of a person's drivers license for any drug-related offense; and
- (2) A written certification that the legislature has adopted this resolution.

Sec. 3. The Secretary of State shall transmit a certified copy of this resolution to the United States Secretary of Transportation.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified this the 24th day of July, 1993.

DENNIS A. WICKER

Dennis A. Wicker
President of the Senate

DANIEL BLUE, JR

Daniel Blue, Jr.
Speaker of the House of Representatives



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603-8001

JAMES B. HUNT JR.
GOVERNOR

September 28, 1993

Mr. Nicholas L. Graf, P.E.
Federal Highway Administrator
North Carolina Division
310 New Bern Avenue, Suite 410
Raleigh, North Carolina 27601

Dear Mr. Graf:

During my time as Governor of North Carolina I have personally worked to reduce drug abuse by our citizens. This includes a major effort to toughen penalties for driving while impaired by alcohol and drugs.

However, in order to comply with the requirements of 23 U.S.C. 159 (a) (3) (B) and the resolution passed by the North Carolina General Assembly, and to avoid loss of North Carolina highway funds I make the following certification:

" I, James B. Hunt, Jr., Governor of the State of North Carolina, do hereby certify that I am opposed to the enactment or enforcement of a law that conforms to 23 U.S.C. 159 (a) (3) (A) and that the General Assembly has adopted Resolution 30 (Senate Joint Resolution 1017) on July 24, 1993, expressing its opposition to such a law."

A copy of Resolution 30 is enclosed.

My warmest personal regards.

Sincerely,

A handwritten signature in black ink, appearing to read "James B. Hunt, Jr.", written over a horizontal line.

James B. Hunt, Jr.

JBH:atl

Enclosure

cc: Sam Hunt, Secretary, N.C. Department of Transportation



Section 1. The General Assembly opposes the enactment or enforcement in this State of a law requiring the revocation or suspension of an individual's drivers license upon conviction on any drug-related offense.

Sec. 2. The Secretary of State shall transmit a certified copy of this resolution to the Governor of the State of North Carolina and the Governor shall submit to the United States Secretary of Transportation:

- (1) A written certification that he is opposed to the enactment or enforcement of a law related to revocation of a person's drivers license for any drug-related offense; and
- (2) A written certification that the legislature has adopted this resolution.

Sec. 3. The Secretary of State shall transmit a certified copy of this resolution to the United States Secretary of Transportation.

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In the General Assembly read three times and ratified this the 24th day of July, 1993.

DENNIS A. WICKER

Dennis A. Wicker
President of the Senate

DANIEL BLUE, JR

Daniel Blue, Jr.
Speaker of the House of Representatives

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION
RATIFIED BILL

RESOLUTION 30
SENATE JOINT RESOLUTION 1017

A JOINT RESOLUTION EXPRESSING OPPOSITION TO A FEDERAL REQUIREMENT TO WITHHOLD FEDERAL-AID HIGHWAY FUNDS UNLESS CERTAIN STATUTES ARE ENACTED TO SUSPEND THE DRIVERS LICENSE OF FELONY CONVICTIONS OF DRUG-RELATED OFFENSES.

Whereas, Section 333 of Public Law 102-143, "Revocation or Suspension of the Drivers' Licenses of Individuals Convicted of Drug Offenses", requires states to enact legislation requiring the revocation or suspension of an individual's drivers license upon conviction of any drug-related offense; and

Whereas, Section 333 requires withholding 5% of certain federal-aid highway funds in the 1994-95 fiscal year and 10% in subsequent years from states that fail to enact legislation; and

Whereas, Section 333 provides the following procedure to avoid the sanctions without enacting the legislation:

"(B) The Governor for the State --

- (i) submits to the Secretary no earlier than the adjournment sine die of the first regularly scheduled session of the State's legislature which begins after the date of enactment of this section a written certification stating that the Governor is opposed to the enactment or enforcement in the State of a law described in subparagraph (A), relating to revocation, suspension, issuance, or reinstatement of drivers' licenses to convicted drug offenders; and
- (ii) submits to the Secretary a written certification that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law described in clause (i)."; and

Whereas, Senate Bill 154, "License Revoked-Drug Offenses", providing for the revocation of an individual's drivers license upon conviction of any drug-related offense, was introduced during the 1991 Session of the General Assembly and failed to pass; and

Whereas, the federal government should not dictate policy or legislation of this kind for the State of North Carolina; and

Whereas, the Tenth Amendment to the Constitution of the United States provides that: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people";

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:



EDWARD T. SCHAFER
GOVERNOR

State of North Dakota

OFFICE OF THE GOVERNOR
600 E. BOULEVARD - GROUND FLOOR
BISMARCK, NORTH DAKOTA 58505-0001
(701) 224-2200

March 24, 1993

Federico Pena
Secretary of Transportation
400 7th Street SW
Room 10200
Washington, DC 20590

Re: Chapter 23 U.S.C. Section 159; Certification

Dear Secretary Pena,

By this letter and the enclosed authenticated copy of House Concurrent Resolution No. 3030, I certify the opposition of the 53rd North Dakota Legislative Assembly's opposition to the enactment of any law mandating the imposition of sanctions on an individual's driver's license upon a person being convicted of a certain drug offense.

I also certify, as Governor, my opposition to the enactment and enforcement of any law requiring any sanctioning of a person's driver's license for being convicted of a drug offense. The certifications are being made pursuant to Chapter 23 U.S.C. Section 159(a)(3)(B).

Sincerely,

A handwritten signature in black ink, appearing to read "Edward T. Schafer", written over a horizontal line.

Edward T. Schafer
Governor

ETS:kal

State of North Dakota

SECRETARY

OF STATE

C E R T I F I C A T I O N

NO: 34810

I, Alvin A Jaeger, Secretary of the State of the State of North Dakota, do hereby certify that the attached copy of House Concurrent Resolution No. 3030 was approved by the Fifty-Third Legislative Assembly of the State of North Dakota on March 26, 1993.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the Great Seal of the State at the Capitol in the City of Bismarck, this 26th day of March, 1993.



Alvin A. Jaeger
Secretary of State

Fifty-third Legislative Assembly, State of North Dakota, begun and held at the Capitol in the City of Bismarck, on Tuesday, the fifth day of January, one thousand nine hundred and ninety-three

**HOUSE CONCURRENT RESOLUTION NO. 3030
(Representatives Dorso, Timm)
(Senator Tennefos)**

A concurrent resolution opposing the enactment of legislation providing for sanctions dealing with an individual's driver's license as a consequence of the individual's conviction of any drug-related offense.

WHEREAS, the provisions of Section 159 of Title 23 of the United States Code mandates that the United States Secretary of Transportation withhold federal-aid highway funds from a state that fails to enact legislation that provides sanctions dealing with an individual's driver's license upon the individual's conviction of any violation of the federal Controlled Substances Act or any drug-related offense, or provide a written certification that the governor of the state is opposed to the enactment and enforcement of such legislation and that the legislature of the state has adopted a resolution expressing its opposition to such a law; and

WHEREAS, drug abuse and the problems associated with drug abuse continue to be matters of deep national concern, but the sanctioning of an individual driver's license as proposed under Section 159 of Title 23 of the United States Code is considered an inappropriate response to the problem; and

WHEREAS, the sanctioning of an individual's driver's license is a matter best left to the state to ensure compliance with the traffic and motor vehicle laws of the state; and

WHEREAS, the federal government should refrain from mandating policy or legislation of this nature for the state;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Fifty-third Legislative Assembly expresses opposition to the enactment or enforcement of any law mandated under Section 159 of Title 23 of the United States Code, relating to sanctions dealing with an individual's driver's license upon conviction of any violation of the federal Controlled Substances Act or any drug-related offense; and

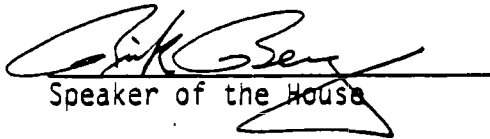
BE IT FURTHER RESOLVED, that this resolution is intended to satisfy the requirements of subparagraph B of paragraph 3 of subsection a of Section 159 of Title 23 of the United States Code; and

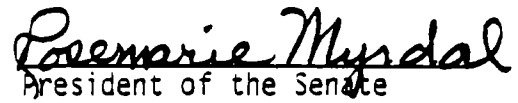
BE IT FURTHER RESOLVED, that the Secretary of State prepare and forward to the Governor an authenticated copy of this resolution; and

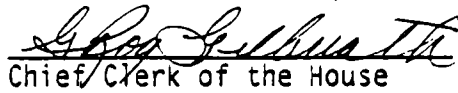
BE IT FURTHER RESOLVED, that the Governor is urged to submit to the United States Secretary of Transportation a written certification that the Governor opposes the enactment or enforcement in this state of a federal law requiring sanctions

dealing with an individual's driver's license upon conviction of any violation of the federal Controlled Substances Act or any drug-related offense, a written certification that the Fifty-third Legislative Assembly has adopted this resolution, and the authenticated copy of this resolution.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to each member of the North Dakota Congressional Delegation.

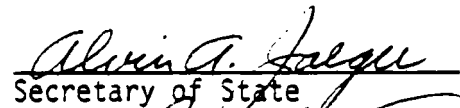

Speaker of the House

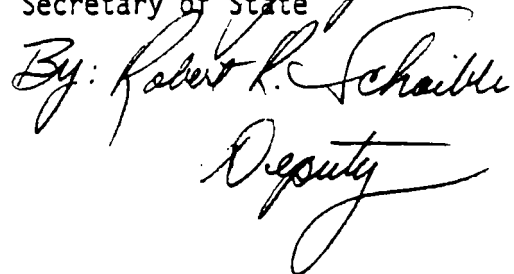

President of the Senate


Chief Clerk of the House


Secretary of the Senate

Filed in this office this 26th day of March, 1993,
at 12:20 o'clock P. M.


Secretary of State

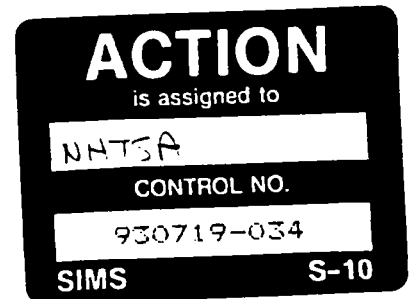
By: 
Deputy

BARBARA ROBERTS
GOVERNOR



OFFICE OF THE GOVERNOR
STATE CAPITOL
SALEM, OREGON 97310-0370
TELEPHONE: (503) 378-3111

July 15, 1993



Federico Pena
Secretary of Transportation
400 Seventh Street SW
Room 10200
Washington, D.C. 20590

Dear Mr. Secretary:

As Governor of the State of Oregon, I hereby certify that I am opposed to the enactment or enforcement of a law that conforms to 23 U.S.C. § 159(a)(3)(A) and that the legislature of the State of Oregon has adopted a resolution expressing its opposition to such a law. Attached is a copy of the resolution.

When the legislative session adjourns, an executed copy of the resolution will be forwarded to you by the Chief Clerk of the Oregon House of Representatives, Ramona Kenady.

Sincerely,

Barbara Roberts
Governor

Attachment

cc: Curtis Winston
NHTSA
400 Seventh Street SW
Washington, D.C. 20590

Cal Frobig
Federal Highway Administration
530 Center Street NE, Suite 100
Salem, OR 97301

Ed Marges
Oregon Traffic Safety Division
4th Floor, State Library Building
Salem, OR 97310

Ramona Kenady
Chief Clerk of the House

BRfa140

Enrolled
House Joint Resolution 65

Introduced and printed pursuant to House Rule 13.01

Whereas Section 333 of the Fiscal Year 1991 United States Department of Transportation and Related Agencies Appropriations Act requires states to enact legislation requiring the revocation or suspension of an individual's driver license upon conviction of any drug-related offense; and

Whereas Section 333 requires withholding of 5 percent of certain federal-aid highway funds in Fiscal Years 1994 and 1995 and 10 percent in subsequent years from states that fail to enact such legislation; and

Whereas a state may choose not to enact the law required by Section 333 and still remain eligible for federal-aid highway funds if the Legislative Assembly adopts a resolution, certified by the Governor, opposing such a law; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) The Oregon Legislative Assembly registers its opposition to federally mandated legislation that requires the suspension or revocation of the driving privileges of a person convicted of a drug offense if that person is not operating a motor vehicle.

(2) A copy of this resolution shall be sent to the Secretary of Transportation of the United States.

Adopted by House April 22, 1993

Chief Clerk of House

Speaker of House

Adopted by Senate June 8, 1993

President of Senate

State of Rhode Island
and Providence Plantations

Bruce Sundlun, Governor



State House,
Providence

April 2, 1993

George A. Luciano
Regional Administrator
National Highway Traffic Safety
Administration
Region I
V N T S C
Kendall Square
Cambridge, MA 02142

Re: Mandatory License Suspension - Drug Conviction

Dear Mr. Luciano:

Please be advised that I, Bruce Sundlun, Governor of the State of Rhode Island and Providence Plantations, do hereby certify that I am opposed to the enactment or enforcement of a law that conforms to 23 U.S.C. 159 (a) (3) (A) and that the legislature of the State of Rhode Island and Providence Plantations has adopted a resolution expressing its opposition to such a law.

Best personal wishes.

Sincerely,

BGS:MAB:tc

DT138

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1993

JOINT RESOLUTION

URGING THE GOVERNOR TO COMPLY WITH THE
FEDERAL LAW

93 - S

0777

Introduced By: Senators Izzo, Cicilline,
York, Perry, Walton, et.
al.

Date Introduced: February 11, 1993

Referred To: Senate Committee on
Special Legislation

1 WHEREAS, Federal Public Law 101-516 requires the states either
2 to enact and enforce a law requiring in all cases the mandatory sus-
3 pension of driver's licenses for any drug-related conviction, or to
4 oppose the enactment of such a law; and

5 WHEREAS, Failure to comply with this law will result in the loss
6 of federal highway funds for the state; and

7 WHEREAS, The state is currently in a budget crisis; and

8 WHEREAS, The federal law sanctions driver's license suspensions
9 for activities that are totally unrelated to use of an automobile, and
10 its application would likely result in increased costs for jury and
11 court trials in these cases; and

12 WHEREAS, There is no funding being provided by the federal gov-
13 ernment to suspend driver's licenses; and

14 WHEREAS, The General Assembly has already enacted legislation
15 providing for the suspension of driver's licenses for any drug offense
16 involving the use of a vehicle; and

17 WHEREAS, The loss of a driver's license could severely impact
18 the rehabilitation of persons convicted of drug-related offenses,

1 including the ability to seek and attend appropriate counseling and
2 maintain employment; and

3 WHEREAS, Rhode Island currently has a vast array of laws
4 designed to deter and punish both drug dealers and casual users; and

5 WHEREAS, By the passage of this joint resolution and by the cer-
6 tification by the Governor of Rhode Island, the state of Rhode Island
7 will suffer no diminution of federal highway funds and also avoid the
8 great expense of enforcement; now, therefore, be it

9 RESOLVED, By the general assembly of Rhode Island, that the gen-
10 eral assembly opposes the mandatory suspension of driver's licenses
11 for drug convictions; and be it further

12 RESOLVED, That the general assembly urges governor Bruce Sundlun
13 to comply with the provisions of Public Law 101-516 by certifying his
14 opposition to the enactment of a law requiring driver's license sus-
15 pensions for drug convictions and forwarding a copy of this resolution
16 to the federal government certifying the opposition of the general
17 assembly to such a law; and be it further

18 RESOLVED, That the secretary of state be and she hereby is
19 authorized and directed to transmit a duly certified copy of this
20 resolution to Governor Bruce Sundlun.

DT138

S.

93 0777

H.

JOINT RESOLUTION

URGING THE GOVERNOR TO COMPLY WITH THE
FEDERAL LAW

Presented by

Thomas J. Gyo (13)

Thermon Belline 50

Myrtle (2)

Boada E. Perry (3)
Charles D. Watson

William D. Hall (11)

(37)

Joann P. Posen (28)
Helen M. Mathieu 46

Elmer C. Sados (14)

EXECUTIVE DEPARTMENT, Received <u>APR 01 1993</u> APPROVED <i>[Signature]</i> GOVERNOR

IN THE SENATE FEB 11 1993 Read and referred to the Committee on SPECIAL LEGISLATION <i>Robert F. Ware</i> Pending Clerk
--

IN SENATE <u>MAR 26 1993</u> THE COMMITTEE ON SPECIAL LEGISLATION RECOMMEND THE PASSAGE OF THE WITHIN BILL <u>935-077</u> <i>Thermon Belline</i> FOR THE COMMITTEE	IN THE SENATE MAR 30 1993 Read and PASSED <i>Robert F. Ware</i> Reading Clerk
---	--

IN HOUSE OF REPRESENTATIVES READ AND PASSED IN CONCURRENCE APR 1 1993 <i>John J. Collins</i> Clerk	IN HOUSE OF REPRESENTATIVES TRANSMITTED TO THE GOVERNOR APR 01 1993 <i>Charles W. H. H. H.</i>
---	--

93-

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1993

93-H 5933

Transportation

A N A C T

RELATING TO MANDATORY SUSPENSION OF LICENSE BASED
UPON A DRUG CONVICTION

93-H 5933

Introduced By: Reps. Carmelo and MouraDate Introduced: February 23, 1993Referred To: Committee on Judiciary

SECTION 1. Sections 31-11-6 of the General Laws in Chapter 31-11
entitled "Mandatory revocation of license" is hereby amended by adding
the following section:

SECTION 2. 31-11-6.1 Mandatory suspension of license. The license
of any chauffeur or operator shall be forthwith suspended upon receipt by
the registry of a record of such operator's or chauffeur's final
conviction for any of the offenses hereinafter stated and the term of
revocation shall be for the periods hereinafter enumerated:

(a) Conviction under Uniform Controlled Substance Act Chapter 28 of
title 21. (6) months suspension of license.

(1) A delay in the issuance or reinstatement of a driver's license
to such an individual for at least 6 months after the individual applies
for the issuance or reinstatement of a driver's license if the individual
does not have a driver's license, or the driver's license of the
individual is suspended, at the time the individual is so convicted.

93-H 5933

1 (2) Reinstatement fee of \$100 (one hundred) dollars will be paid to
2 registry for reinstatement of license.

3 SECTION 3. Uniform Controlled Substances Act

4 21-25-4.01 Prohibited Act

5 (A) * * *

6 (F) In addition to penalties outlined in this section any
7 person convicted under Chapter 28 title 21 will have their license to
8 operate a motor vehicle in the State of Rhode Island suspended for six (6)
9 months as defined in Chapter 11 of title 31 section 5-1 of Rhode Island
10 General Laws.

11
12 SECTION 3. This act shall take effect upon passage.

EXPLANATION

16
17 OF

18 AN ACT

19
20
21
22 This act mandates anyone convicted of a drug related offense,
23 that their license be suspended for six months.

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U.S. Department
of Transportation
National Highway
Traffic Safety
Administration

Region I
Connecticut, Maine,
Massachusetts, New
Hampshire, Rhode Island,
Vermont

Transportation Systems Center
Kendall Square
Cambridge,
Massachusetts 02142

Tel. # 617/494-3427

Fax # 617/494-3646

NHTSA - REGION I FAX COVER SHEET

TO:

Gary Butler

LOCATION:

FROM:

Jim Ryan
§ 159

TITLE:

DRA

SUBJECT:

DATE:

3/11

TIME:

TOTAL # OF PAGES (INCLUDING THIS SHEET):

3

MESSAGE:

Gary - This is R. I.'s attempt
for compliance - looks weak but
they have a Resolution in their
back pocket.



FAX COVER SHEET

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

REGIONAL OPERATIONS, NRO-01, 10 & 20

400 7th Street, S.W., Room 5238

Washington, DC 20590

(202) 366-2121

FAX: (202) 366-7394

Date:

5/24/93

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

Name:

Jim Ryan DRA-1

Organization:

City, State:

Telephone:

FAX:

From:

G Butler

Remarks:

RI 5157

Number of pages including cover sheet:

2

If you do not receive these number of copies call:



STATE OF SOUTH DAKOTA

GEORGE S. MICKELSON
GOVERNOR

EXECUTIVE OFFICE
STATE CAPITOL, 500 EAST CAPITOL
PIERRE, SOUTH DAKOTA
57501-5070
(605) 773-3212

March 12, 1993

Mr. Donald Kamnikar
Federal Highway Administration
South Dakota Division
Federal Building
Pierre, SD 57501

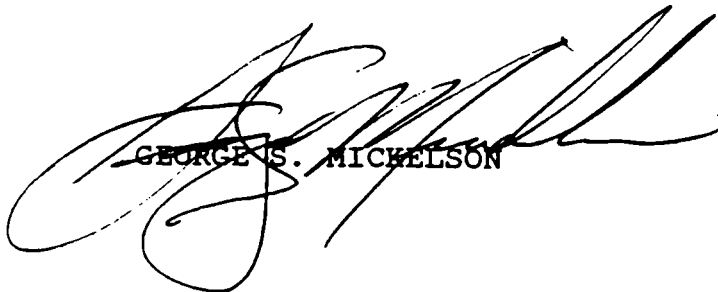
Dear Donald:

In accordance with federal rules and regulations outlined in the Federal Register, Volume 57, No. 156, I am forwarding the required certifications. They will show our compliance with requirements of 23 U.S.C. 159(a)(3)(B).

Two years ago, the South Dakota State Legislature enacted a bill I introduced which suspends a driver's license for 90 days if a person is convicted of a drug violation while in a motor vehicle. We take drug offenders seriously in South Dakota. Driver license restrictions, suspensions and revocations should be public policy of the individual states.

I understand recertification of this issue is required each year. Would you please inform me of the manner in which that needs to occur, such as a letter from me or is a new resolution by the legislature required each year?

Very truly yours,


GEORGE S. MICKELSON

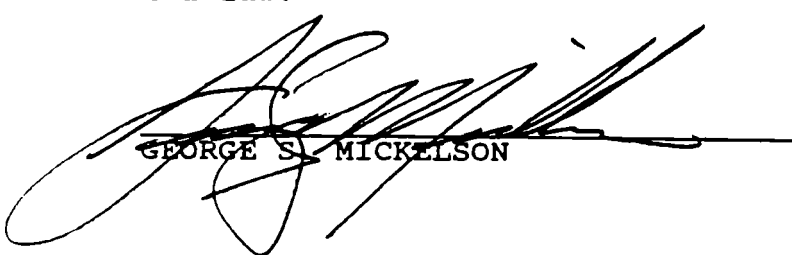
GSM:jsl

Enclosure



CERTIFICATION

I, George S. Mickelson, Governor of the state of South Dakota, do hereby certify that I am opposed to the enactment or enforcement of a law that conforms to 23 U.S.C. 159(a)(3)(A) and that the legislature of the state of South Dakota has adopted a resolution expressing its opposition to such a law.



GEORGE S. MICKELSON

HOUSE CONCURRENT RESOLUTION NO. 1010

A CONCURRENT RESOLUTION, Expressing the Legislature's opposition to federal legislation requiring suspension of licenses for individuals convicted of violations of the federal Controlled Substances Act.

WHEREAS, the federal government has enacted legislation to withhold federal aid to highways in this state unless the Legislature and the Governor consider and act upon state legislation related to the suspension or revocation of the driver's license of any person convicted of drug offenses; and

WHEREAS, the House Committee on Judiciary has considered proposed legislation consistent with the federal requirement and has voted to send that legislation to the floor with a do not pass recommendation; and

WHEREAS, South Dakota already has a law which suspends a driver's license for ninety days of someone convicted of a drug offense while in a vehicle; and

WHEREAS, the reasons for the negative recommendation include a belief that the granting or withholding of driving privileges is and always has been a prerogative of the states to decide for themselves, not the federal government; and

WHEREAS, the proposed legislation subsequently failed to pass on the floor of the House of Representatives; and

WHEREAS, the federal law provides that a state may avoid loss of federal highway funds if the Legislature enacts a resolution expressing its opposition to such legislation and the Governor conveys the Governor's disapproval and the Legislature's resolution to the United States Secretary of Transportation:

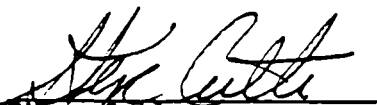
NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Sixty-eighth Legislature of the state of South Dakota, the Senate concurring therein, that we express our opposition to the enactment of legislation required by the federal government to revoke or suspend the drivers' licenses of individuals convicted of violations of the Controlled Substances Act or any drug offense or to delay the issuance or reinstatement of a driver's license for a person so convicted; and

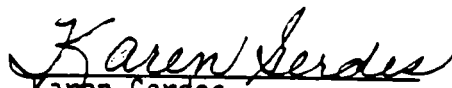
BE IT FURTHER RESOLVED, that suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George S. Mickelson, Governor, for conveyance to the United States Secretary of Transportation.

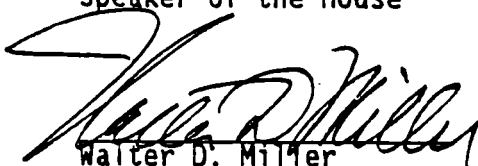
Adopted by the House of Representatives,
Concurred in by the Senate,

February 19, 1993
March 1, 1993




Steve Cutler
Speaker of the House


Karen Gerdes
Chief Clerk of the House


Walter D. Miller
President of the Senate


Peggy Cruse
Secretary of the Senate



State of Tennessee

NED McWHERTER
GOVERNOR

March 17, 1993

The Honorable Federico F. Pena
U.S. Secretary of Transportation
400 7th Street
Washington, D.C. 20590

Re: Pub. L. 101-516

Dear Secretary Pena:

I am enclosing herewith a copy of Senate Joint Resolution 106 adopted by the Tennessee General Assembly in 1991. The Resolution became effective May 6, 1991.

As the Resolution sets out, Tennessee currently enforces many laws relating to the abuse of alcohol and drugs while operating a motor vehicle. T.C.A. 55-10-401 mandates the suspension of a person's driver's license when convicted of such offense, depending on the number of prior offenses. There is also legislation providing for forfeiture of motor vehicles involved in the transportation of a controlled substance.

The Tennessee General Assembly has found that the current laws relating to illegal drug activity adequately achieve the goal of the above referenced federal law. Therefore, the General Assembly has adopted a resolution expressing that the necessity does not exist to enact and therefore expressing opposition to the federal "Drug Offender's Driving Privileges Suspension Act of 1990." My signature placed on Senate Joint Resolution 106 represents my agreement with these measures taken.

Sincerely,

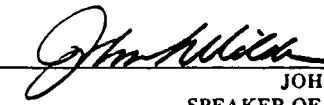
A handwritten signature in dark ink, appearing to read "Ned McWherter".

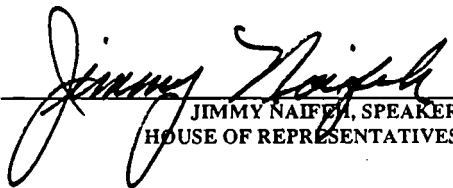
Ned McWherter

NM/lt/cl

SENATE JOINT RESOLUTION NO. 106

ADOPTED: May 6, 1991


JOHN S. WILDER,
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 14th day of May 1991


NED McWHERTER, GOVERNOR

WHEREAS, This General Assembly believes that if a person is not deterred from drug activity by the threat that his vehicle will be forfeited, he will certainly not be deterred by the threat that his driver's license will be suspended for six months; and

WHEREAS, While the State of Tennessee and the federal government are unquestionably working towards the same goal in attempting to deter drug activity, in the opinion of the General Assembly there currently exist in Tennessee adequate laws both to deter and punish persons who engage in illegal drug activity; and

WHEREAS, Since in the opinion of the General Assembly there are sufficient existing laws providing various methods of deterring unlawful drug activity, this Body does not find a compelling reason to enact a new one that will serve as less of a deterrent than existing law but at the same time will increase the amount of paperwork and administrative time necessary to enforce it; and

WHEREAS, For the reasons stated above, the General Assembly finds that enactment of the "Drug Offender's Driving Privileges Suspension Act of 1990" or a similar law is not necessary in Tennessee at this time; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the Governor is requested to submit to the United States Secretary of Transportation a written certification that the Tennessee General Assembly has adopted a resolution expressing its opposition to enactment of the federal "Drug Offender's Driving Privileges Suspension Act of 1990" or similar qualifying license suspension law for drug offenses as authorized by United States Code, Title 23, Section 159(a)(3)(B).

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to the Honorable Ned McWherter, Governor of the State of Tennessee.



State of Tennessee

SENATE JOINT RESOLUTION NO. 106

By Senator Henry

and

Representative Robinson (Davidson)

A RESOLUTION Requesting the Governor to submit to the United States Secretary of Transportation a written certification that the Tennessee General Assembly has adopted a resolution expressing its opposition to enactment of the federal "Drug Offender's Driving Privileges Suspension Act of 1990" (Public Law 101-516) or a similar qualifying license suspension law for drug offenders.

WHEREAS, Public Law 101-516, such law being entitled the "Drug Offender's Driving Privileges Suspension Act of 1990" and codified in United States Code, Title 23, Section 159, recently enacted by the United States Congress requires each state to enact a law that compels the revocation or suspension, for at least six months, of the driver's license of a person convicted of any drug offense and a delay in the reinstatement of a driver's license, for at least six months from the date of reinstatement application, if the person did not have a driver's license or it was suspended at the time of conviction; and

WHEREAS, Under Section 159(a)(1) and (2) of the act, the United States Secretary of Transportation is required to withhold five percent of certain highway-related funds from any state that does not meet the act's requirements by October 1, 1993 and ten percent if such requirements are not met by October 1, 1995; and

WHEREAS, A perhaps unprecedented provision in this act that distinguishes it from other federal laws that mandate state action is Section 159(a)(3)(B) which allows a state to comply with the act's requirements, and thus not lose highway funding, if the Governor of the state submits to the Secretary of Transportation a written certification stating that the Governor is opposed to the enactment of a qualifying license suspension or the Governor submits to the secretary a written certification that both houses of the legislature have adopted a resolution expressing its opposition to a qualifying license suspension law; and

WHEREAS, While the stated goals of the "Drug Offender's Driving Privileges Suspension Act of 1990", the deterrence of illegal drug activity and the promotion of highway safety, are certainly praiseworthy, it is the opinion of this General Assembly that present Tennessee law contains several provisions designed to achieve these same goals; and

WHEREAS, Tennessee Code Annotated, Section 55-10-401, currently prohibits a person from driving under the influence of marijuana, a narcotic drug or other drug producing stimulating effects on the central nervous system and mandates the driver's license suspension of any person convicted of such offense for a period ranging from one year up to ten years, depending on the number of prior offenses; and

WHEREAS, Tennessee Code Annotated, Title 55, Chapter 10, Part 7, provides for the suspension of driving privileges of persons between the ages of 13 and 18 who engage in prohibited conduct involving the possession, use, sale or consumption of controlled substances for a period of one year for a first offense and two years for second or subsequent offenses and further provides that the court take possession of the driver's license at the time of conviction; and

WHEREAS, Tennessee Code Annotated, Section 53-11-451, makes a motor vehicle used to transport or in any manner to facilitate the transportation, sale or receipt of a controlled substance subject to forfeiture to the state; and

State of Tennessee



Department of State

To all to whom these Presents shall come, Greeting:

*I, Riley C. Darnell, Secretary of State
of the State of Tennessee, do hereby certify that the annexed is a true
copy of*

SENATE JOINT RESOLUTION NO. 106

97th GENERAL ASSEMBLY - 1991

the original of which is now on file and a matter of record in this office.

*In Testimony Whereof, I have hereunto
subscribed my Official Signature and by order of the Governor affixed
the Great Seal of the State of Tennessee at the Department in the
City of Nashville, this 22nd day
of March, A.D. 1993*



Riley C. Darnell
Secretary of State



SS-7010 (Rev. 9/90)

RESOLUTION TO THE SECRETARY OF TRANSPORTATION
ON REVOCATION OF DRIVER LICENSES .

1992

GENERAL SESSION

Enrolled Copy

S. C. R. No. 7

By Dix H. McMullin

A CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR EXPRESSING
OPPOSITION TO A FEDERAL REQUIREMENT FOR THE STATE TO PASS A LAW
REQUIRING REVOCATION OR SUSPENSION OF A PERSON'S DRIVER LICENSE FOR
ANY DRUG-RELATED OFFENSE.

Be it resolved by the Legislature of the state of Utah, the Governor
concurring therein:

WHEREAS Section 333 of the Fiscal Year 1991 United States Department
of Transportation Appropriation Act entitled "Revocation or Suspension of
the Driver's License of Individuals Convicted of Drug Offenses" requires
states to enact legislation requiring the revocation or suspension of an
individual's driver license upon conviction of any drug-related offense;

WHEREAS Section 333 requires withholding 5% of certain federal-aid
highway funds in Fiscal Year 1994 and 1995 and 10% in subsequent years
from states that fail to enact legislation;

WHEREAS Section 333 provides the following procedure to avoid the
sanctions without enacting the legislation:

"(B) The Governor of the State --

(i) submits to the Secretary no earlier than the adjournment sine
die of the first regularly scheduled session of the state's legislature
which begins after the date of enactment of this section a written
certification stating that he is opposed to the enactment or enforcement

S. C. R. No. 7

in his state of a law described in subparagraph (A) relating to revocation, suspension, issuance, or reinstatement of driver's licenses to convicted drug offenders; and

(ii) submits to the Secretary a written certification that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law described in clause (i)";

WHEREAS S.B. 102, "Suspension of Driver License", providing for the revocation or suspension of an individual's driver license upon conviction of any drug-related offense, has been introduced during the 1992 General Session of the Legislature and has failed to pass;

WHEREAS the federal government should not dictate policy or legislation of this kind for the state; and

WHEREAS the Tenth Amendment to the Constitution of the United States provides that: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people";

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the governor concurring therein, certify opposition to the enactment or enforcement in this state of a law requiring the revocation or suspension of an individual's driver license upon conviction of any drug-related offense.

BE IT FURTHER RESOLVED that this resolution be prepared and delivered to the governor of the state of Utah and that the governor submit to the United States Secretary of Transportation:

S. C. R. No. 7

(1) a written certification that he is opposed to the enactment or enforcement of a law related to revocation of a person's driver license for any drug-related offense; and

(2) a written certification that the legislature has adopted this resolution.

BE IT FURTHER RESOLVED that a copy of this resolution be prepared and delivered to the United States Secretary of Transportation.

OFFICIAL SIGNATURE SHEET

The foregoing _____ was publicly
read by title on the _____ day of _____
19 _____ and signed by the Speaker of the House on the
_____ day of _____, 19 _____, and
the fact of such signing duly entered upon the Journal this
_____ day of _____, 19 _____

ATTEST:

Chief Clerk of the House

Speaker of the House

The foregoing SCR-7 was publicly
read by title and immediately thereafter signed by the Speaker of the
House, in the presence of the house over which he presides, and the
fact of such signing duly entered upon the Journal this

24th day of February, 19 92

ATTEST:

Chief Clerk of the House

The foregoing _____ was publicly
read by title on the _____ day of _____
19 _____ and signed by the President of the Senate on the
_____ day of _____, 19 _____, and
the fact of such signing duly entered upon the Journal this
_____ day of _____, 19 _____

ATTEST:

Secretary of Senate

President of the Senate

The foregoing SCR-7 was publicly
read by title and immediately thereafter signed by the President of the
Senate, in the presence of the house over which he presides, and the
fact of such signing duly entered upon the Journal this

24th day of February, 19 92

ATTEST:

Secretary of Senate

President of the Senate

Received from the _____ Senate this 4th day of March, 19 92

Approved _____, 19 92

Norman H. Carpenter
Governor

Received from the Governor, and filed in the office of the Lieutenant Governor this 13th

day of March, 19 92 W. Hal Owen
Lieutenant Governor

Howard Dean, M.D.
Governor



State of Vermont
Office of the Governor
Pavilion Office Building
Montpelier, Vermont 05609
(802) 828-3333

CERTIFICATION

I, Howard Dean, Governor for the State of Vermont, do hereby
certify that I am opposed to the enactment or enforcement of a
law that conforms to 23 U.S.C. 159 (a) (3) (A) and that the
legislature for the State of Vermont has adopted a resolution
expressing its opposition to such a law.

1/22/92
Date:

Howard Dean
Howard Dean, M.D., Governor

Joint resolution relating to driver's license revocation or
suspension for drug offenses

Offered by: Representative Fox of Essex

Whereas, in 1990 Congress passed a law which provides for the
revocation or suspension for at least six months of the driver's
license of any person convicted of violating the federal Controlled
Substances Act or convicted of any drug offense, and

Whereas, the federal law provides that a state legislature may
choose to exempt the state from this provision by adopting a
resolution expressing its opposition, and

Whereas, the additional administrative costs incurred by the
state of Vermont represent an unjustified burden on state finances,
and

Whereas, a departure from revoking or suspending a driver's
license for offenses related to the operation of motor vehicles
would establish a very questionable precedent of using license
revocation or suspension as a solution to many problems unrelated
to operating a motor vehicle, now therefore be it

Resolved by the Senate and House of Representatives:

That the Vermont General Assembly opposes the provisions of 23
USCS § 104(a)(3)(i) and thereby exercises its option of seeking
exclusion from this law, and be it further

Resolved: That the Secretary of State be directed to send a
copy of this joint resolution to the Governor of the state of
Vermont.

Joint resolution relating to driver's license revocation or
suspension for drug offenses

Offered by: Representative Fox of Essex

Whereas, in 1990 Congress passed a law which provides for the
revocation or suspension for at least six months of the driver's
license of any person convicted of violating the federal Controlled
Substances Act or convicted of any drug offense, and

Whereas, the federal law provides that a state legislature may
choose to exempt the state from this provision by adopting a
resolution expressing its opposition, and

Whereas, the additional administrative costs incurred by the
state of Vermont represent an unjustified burden on state finances,
and

Whereas, a departure from revoking or suspending a driver's
license for offenses related to the operation of motor vehicles
would establish a very questionable precedent of using license
revocation or suspension as a solution to many problems unrelated
to operating a motor vehicle, now therefore be it

Resolved by the Senate and House of Representatives:

That the Vermont General Assembly opposes the provisions of 23
USCS § 104(a)(3)(1) and thereby exercises its option of seeking
exclusion from this law, and be it further

Resolved: That the Secretary of State be directed to send a
copy of this joint resolution to the Governor of the state of
Vermont.

Joint resolution relating to driver's license revocation or
suspension for drug offenses

Offered by: Representative Fox of Essex

Whereas, in 1990 Congress passed a law which provides for the
revocation or suspension for at least six months of the driver's
license of any person convicted of violating the federal Controlled
Substances Act or convicted of any drug offense, and

Whereas, the federal law provides that a state legislature may
choose to exempt the state from this provision by adopting a
resolution expressing its opposition, and

Whereas, the additional administrative costs incurred by the
state of Vermont represent an unjustified burden on state finances,
and

Whereas, a departure from revoking or suspending a driver's
license for offenses related to the operation of motor vehicles
would establish a very questionable precedent of using license
revocation or suspension as a solution to many problems unrelated
to operating a motor vehicle, now therefore be it

Resolved by the Senate and House of Representatives:

That the Vermont General Assembly opposes the provisions of 23
USCS § 104(a)(3)(1) and thereby exercises its option of seeking
exclusion from this law, and be it further

Resolved: That the Secretary of State be directed to send a
copy of this joint resolution to the Governor of the state of
Vermont.

Joint resolution relating to driver's license revocation or
suspension for drug offenses

Offered by: Representative Fox of Essex

Whereas, in 1990 Congress passed a law which provides for the
revocation or suspension for at least six months of the driver's
license of any person convicted of violating the federal Controlled
Substances Act or convicted of any drug offense, and

Whereas, the federal law provides that a state legislature may
choose to exempt the state from this provision by adopting a
resolution expressing its opposition, and

Whereas, the additional administrative costs incurred by the
state of Vermont represent an unjustified burden on state finances,
and

Whereas, a departure from revoking or suspending a driver's
license for offenses related to the operation of motor vehicles
would establish a very questionable precedent of using license
revocation or suspension as a solution to many problems unrelated
to operating a motor vehicle, now therefore be it

Resolved by the Senate and House of Representatives:

That the Vermont General Assembly opposes the provisions of 23
USCS § 104(a)(3)(i) and thereby exercises its option of seeking
exclusion from this law, and be it further

Resolved: That the Secretary of State be directed to send a
copy of this joint resolution to the Governor of the state of
Vermont.



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (206) 753-6780

ACTION	
is assigned to	
NHTSA	
CONTROL NO.	
930413-045	
SIMS	S-10

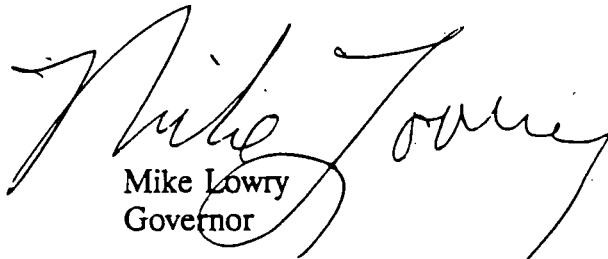
March 31, 1993

Mr. Federico Pena
Transportation Secretary
U.S. Department of Transportation
400 - 7th Street SW
Room 10200
Washington, D.C. 20590

Dear Secretary Pena:

I, Mike Lowry, Governor of the State of Washington, do hereby certify that I am opposed to the enactment of a law that conforms to 23 U.S.C. § 159(a) (3) (A) and that the legislature of the State of Washington, has adopted a resolution expressing its opposition to such a law. A copy of this resolution is attached as required for your review.

Sincerely,


Mike Lowry
Governor

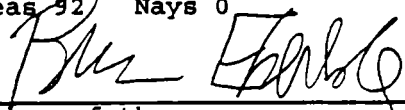
cc: Duane Berentson, WSDOT
Barry Morehead, FHWA



CERTIFICATION OF ENROLLMENT
HOUSE JOINT MEMORIAL 4010

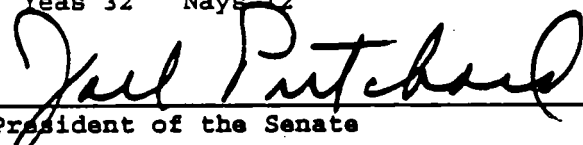
53rd Legislature
1993 Regular Session

Passed by the House March 1, 1993
Yeas 92 Nays 0



Speaker of the
House of Representatives

Passed by the Senate March 31, 1993
Yeas 32 Nays 12



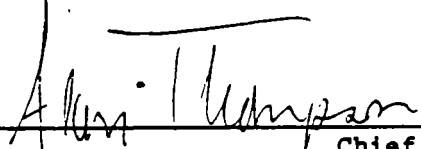
President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is HOUSE JOINT MEMORIAL 4010 as passed by the House of Representatives and the Senate on the dates hereon set forth.



Chief Clerk

FILED

FILED

APR 5 - 1993

SECRETARY OF STATE
STATE OF WASHINGTON

Secretary of State
State of Washington

HOUSE JOINT MEMORIAL 4010

State of Washington 53rd Legislature 1993 Regular Session
By Representatives R. Fisher, Schmidt, Horn, Springer and Jacobsen
Read first time 02/08/93. Referred to Committee on Transportation.

1 TO THE HONORABLE MIKE LOWRY, GOVERNOR OF THE STATE OF WASHINGTON
2 AND TO THE SECRETARY OF TRANSPORTATION OF THE UNITED STATES:

3 We, your Memorialists, the Senate and House of Representatives of
4 the State of Washington, in legislative session assembled, respectfully
5 represent and petition as follows:

6 WHEREAS, The Federal Government has enacted legislation to withhold
7 federal aid to highways in this State beginning October 1, 1993, unless
8 the Legislature and the Governor consider and act upon state
9 legislation related to the suspension or revocation of the driver's
10 license of any person convicted of drug offenses; and

11 WHEREAS, The government of the United States provided that the
12 Secretary of Transportation may grant an exclusion to any state if the
13 governor of the state submits to the Secretary of Transportation a
14 written certification that:

15 (1) The governor is opposed to the enactment in his state of a law
16 as described above; and

17 (2) Each house of the legislature has adopted a resolution
18 expressing its opposition to a law as described above; and

19 WHEREAS, The state's action in responding to this federal
20 requirement must be transmitted to the federal Department of
21 Transportation before April 1, 1993; and

1 WHEREAS, The Legislature of the State of Washington holds that the
2 granting or withholding of driving privileges is and always has been a
3 prerogative of the states to decide for themselves, not the federal
4 Government; and

5 WHEREAS, The Legislature of the State of Washington holds that the
6 imposition of the above-mentioned revocation or suspension of a
7 driver's license is unrelated to a violation of laws pertaining to
8 motor vehicle operation; and

9 WHEREAS, The Legislature of the State of Washington takes notice of
10 the fact that the laws of the State of Washington currently provide
11 substantial criminal and civil penalties for the crime of operating a
12 motor vehicle while under the influence of any drug, including the
13 suspension or revocation of the driver's license of a person so
14 convicted; and

15 WHEREAS, The Governor's Council on Substance Abuse, at its October
16 1991 meeting recommended to the Governor that the State of Washington
17 obtain an exemption from this federal sanction; and

18 WHEREAS, The National Governors Association adopted a resolution on
19 February 5, 1991, that stated "NGA opposes preemption of state
20 policies, practices, and taxation procedures and opposed the use of
21 sanctions on highway funds to secure state compliance with federal
22 policies."; and

23 WHEREAS, The Legislature of the State of Washington, wishes to make
24 it clear that it is opposed to the passage of such a law governing the
25 citizens of the State of Washington under such a federal mandate;

26 NOW, THEREFORE, Your Memorialists respectfully pray that the
27 Governor seek an exemption from the requirements of the federal
28 legislation from the Secretary of Transportation; and

29 BE IT RESOLVED, That copies of this resolution be immediately
30 transmitted to the United States Secretary of Transportation.

--- END ---

By Representatives R. Fisher, Schmidt, Horn, Springer and Jacobsen
Expressing opposition to sanctions on federal highway funds.

HOUSE

SENATE

Filed / Received

2-5-93

Date of Intro / 1st Reading / Referral

2-8-93

Date / Referred to Committee on:

TR

Date Reported Out of Committee

2-16-93

Majority Recommendation

DP 24

Minority Recommendation

Date / Rereferred to Committee on:

1

Date Reported Out of Committee

Majority Recommendation

Minority Recommendation

Rules 2

2nd Reading Date / Action

3-1-93

Rules 3

3rd Reading Date / Action

3-1-93

Final Passage Date / Vote

3-1-93 92 Yea 0 Nay

Notice of Reconsideration

Action of Reconsideration

Reconsideration Date / Vote

Yea

Nay

Chief Clerk / Secretary

Alan Thompson

MAR - 2 1993

Transp.

3/10/93

DP

1

3/31/93

3/31/93

3/31/93 32 Yea 12 Nay

Yea

Nay

Maty Brown



STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON 25305

GASTON CAPERTON
GOVERNOR

ACTION	
is assigned to	
NHTS/H	
CONTROL NO.	
930401-005	
SIMS	S-10

March 31, 1993

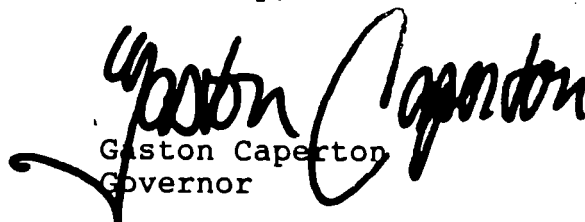
Mr. Fredrico Pena
Secretary of Transportation
400 7th Street, S. W.
Room 10200
Washington, DC 20590

Dear Secretary Pena

Pursuant to 23 U.S.C. §159(a)(3)(B), (Section 333 of Public Law 102-143, 105 Statute 944-947) I hereby certify that both houses of the First Session of the 71st Legislature of the State of West Virginia have adopted the attached Senate Concurrent Resolution 16 expressing their opposition to the enactment of a law that conforms to 23 U.S.C. 159 (a)(3)(A) requiring the revocation or suspension of the driver's license of any person convicted of a drug offense or the denial of issuance on the reinstatement of a driver's license to any person convicted of a drug offense.

I, Gaston Caperton, Governor of the State of West Virginia further certify, for the reasons set forth in Senate Concurrent Resolution 16, my opposition to the enactment or enforcement of a law that conforms to 23 U.S.C. 159 (a)(3)(A) requiring the revocation or suspension of a driver's license of any person convicted of a drug offense, or the denial of issuance or the reinstatement of a driver's license to any person convicted of a drug offense.

Sincerely,


Gaston Caperton
Governor

LAT/mjb

Enclosure

9304050007

1 SENATE CONCURRENT RESOLUTION NO. 16

2 [Originating in the Committee on the Judiciary;
3 reported March 26, 1993.]

4
5
6
7 Certifying the West Virginia Legislature's opposition to Section
8 333 of the federal Department of Transportation and Related
9 Agencies Appropriations Act from fiscal year 1991.

10 Whereas, Section 333 of the federal Department of
11 Transportation and Related Agencies Appropriations Act for fiscal
12 year 1991 mandates the withholding of certain federal aid highway
13 funds from states that by the thirty-first day of October, one
14 thousand nine hundred ninety-three, fail to either:

15 (a) Enact legislation requiring suspension of an individual's
16 driver's license upon conviction of any violation of the federal
17 Control Substances Act or any state drug offense; or

18 (b) Certify that the governor has expressed his opposition to
19 being forced into the enactment of such a law and that the
20 Legislature has adopted written certification expressing its
21 opposition to such a law; and

22 Whereas, Failure of this Legislature to take either of these
23 mandated actions will result in the withholding of federal-aid
24 highway funds amounting to four million six hundred thousand
25 dollars in fiscal years 1994 and 1995 and ten million dollars in
26 fiscal years 1996; and

27 Whereas, The Legislature of the state of West Virginia is
28 deeply concerned about drug abuse by the citizens of West

1 Virginia and has enacted numerous laws and initiated programs
2 aimed at reducing both the demand for and supply of illegal
3 drugs; and

4 Whereas, The state of West Virginia currently revokes the
5 driver's licenses of persons convicted of driving a motor vehicle
6 under the influence of controlled substances; and

7 Whereas, The revocation of a drug offender's driver's license
8 has not been shown to deter drug use; and

9 Whereas, Congress' actions to coerce states into passing laws
10 is inappropriate and often results in great expense and
11 inconvenience to the citizens of the various states; and

12 Whereas, Section 333 of the federal Department of
13 Transportation and Related Agencies Appropriation Act for fiscal
14 year 1991 is the first piece of federal legislation which has
15 allowed states not to comply without loss of funds by providing
16 the mechanism for a legislative and gubernatorial option; and

17 Whereas, very few states have passed legislation which has
18 been found to conform to the federal mandate of the Legislature
19 revoking driving privileges; and

20 Whereas, Two sister states, New Mexico and Maine, have
21 previously determined that the expression of strong opposition to
22 the federal mandate is appropriate; and

23 Whereas, The reasons of the West Virginia Legislature for the
24 negative recommendation include a belief that the granting or
25 withholding of driving privileges is and should be a prerogative
26 of the states to decide for themselves, not the federal
27 government; and

1 Whereas, The West Virginia Legislature has and will continue
2 to address illegal drugs in effective and cost beneficial ways;
3 therefore, be it

4 Resolved by the Legislature of West Virginia:

5 That the West Virginia Legislature certifies that it is
6 opposed to revoking the driver's license of any person convicted
7 of a drug offense if that person is not using or operating a
8 motor vehicle at the time of the offense; and, be it

9 Further Resolved, That the West Virginia Legislature will
10 continue its efforts in drug abuse education and enforcement

WEST VIRGINIA BILL STATUS
BILL HISTORY
FIRST TO LAST

Date: 3/31/93
Time: 9:28 a.m
Page: 1

SCR 16 - Certifying opposition to Section
333 Federal Department of Transportation
Appropriations Act of 1991

Fiscal Note Required:

Topical Subjects:

Citations Affected:

Date	Page	History Text
3/26	22-24	Originating in Senate Judiciary
3/26	22-24	Reported be adopted
3/26	24	Adopted by Senate (Voice vote)
3/26	24	Ordered to House
3/26	719	Introduced in House
3/26	719	To Rules
3/26		To House Rules
3/29	760	Be adopted
3/30		On Unfinished Business, House Calendar
3/30		From House Calendar, Unf. Business, to Special Calendar
3/30		Adopted by House, Special Calendar (Voice vote)
3/30		Communicated to Senate
3/30		House Message received
3/30		Completed legislative action

9 804050008

ORIGINAL SENATE
JOINT RESOLUTION
NO. 0021

ENROLLED JOINT RESOLUTION NO. 5, SENATE

FIFTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
1991 GENERAL SESSION

A JOINT RESOLUTION requesting Congress to allow each state the right to determine and impose appropriate sanctions upon the driving privileges of drug offenders within state boundaries.

WHEREAS, Congress has imposed sanctions upon the several states through the withholding of apportioned federal aid highway funds in an attempt to strengthen and encourage state efforts in preventing drug abuse through penalizing drug offenders; and

WHEREAS, while drug abuse remains to be a paramount and priority national problem, the imposition of federal highway fund sanctions upon states does not appropriately address or respond to the problem; and

WHEREAS, state officials are eminently more qualified to regulate and control the privilege of operating motor vehicles on roadways within their respective state jurisdictions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. That the legislature opposes enactment or enforcement in this state of a federally mandated law relating to revocation, suspension, issuance or reinstatement of driver's licenses to convicted drug offenders as described in 23 U.S.C. 104(a)(3)(A).

Section 2. That Congress repeal 23 U.S.C. 104(a)(2) and (3) and allow states the right to determine and impose appropriate sanctions upon driving privileges of drug offenders within state boundaries.

Section 3. That this resolution is intended to satisfy the requirement under 23 U.S.C. 104(a)(3)(B)(ii) which will protect

ORIGINAL SENATE
JOINT RESOLUTION
NO. 0021

ENROLLED JOINT RESOLUTION NO. 5, SENATE
FIFTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
1991 GENERAL SESSION

the state of Wyoming from the loss of federal highway funds under 23 U.S.C. 104(a)(3).

Section 4. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the United States Secretary of Transportation and to the Wyoming Congressional Delegation.

(END)


Speaker of the House


President of the Senate


Governor

TIME APPROVED: 6:30 p.m.

DATE APPROVED: 2/21/91



STATE OF ARKANSAS
DEPARTMENT OF FINANCE AND ADMINISTRATION
P.O. BOX 1272
LITTLE ROCK • 72203

REVENUE DIVISION

November 4, 1992

Frank Vozel
Arkansas Highway Department
Traffic Safety Section
P. O. Box 2261
Little Rock, AR 72206

Re: Procedures and Policies for
Implementing Act 1109 of 1991

Dear Mr. Vozel:

This will confirm our recent telephone conversation in which you requested a synopsis of the policies and procedures used by the Office of Driver Services in carrying out the provisions of Act 1109 of 1991. This Act requires suspension or delay of issuance of licenses to individuals who are convicted of certain offenses.

The Office of Driver Services enters convictions and offenses into its computer data base by two methods. One method which was recently implemented due to the Commercial Motor Vehicle Safety Act of 1986 allows any other state to electronically transmit violations, convictions and suspension data to Arkansas on commercial drivers. The other method is by a Data Entry Section which receives convictions and orders from Arkansas State courts, federal courts and federal military installations which are entered onto a persons driving record. This section also receives convictions and orders from state courts outside of Arkansas, federal courts and federal military installations from all over the world which are given full faith and credit and entered onto an individuals driving record. The receipt of any of these violations, as outlined in Act 1109 of 1991, also requires the entry of a suspension if they have a drivers license or the delay of the issuance of a drivers license if they are without a drivers license in Arkansas.

If the individual has a drivers license, the suspension that is entered is for six months (or 6 additional months after any other suspensions are cleared). At the end of six months the suspension is automatically reinstated and the individual can receive his license or apply for a duplicate license. If the individual has no license, the suspension will be entered along with a notation "must pass test". This notation will require an individual to see a Driver Control Hearing Officer. The Hearing Officer will make a determination based on the application for license as to when the individual will be eligible to test to receive a drivers license (the time before testing must be six months from application to get a license).

As Engrossed: 2/27/91

ACT 1109 1991
A Bill

1 State of Arkansas

2 78th General Assembly

3 Regular Session, 1991

4 By: Representative Mahony and McJunkin

HOUSE BILL 1754

5
6
7 For An Act To Be Entitled

8 "AN ACT TO PROVIDE FOR THE SUSPENSION OF THE DRIVER'S
9 LICENSE OF ANY PERSON WHO COMMITS A CRIMINAL OFFENSE
10 INVOLVING THE ILLEGAL POSSESSION OR USE OF CONTROLLED
11 SUBSTANCES; AND FOR OTHER PURPOSES."

12
13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
14

15 SECTION 1. Whenever a person pleads guilty, nolo contendere or is found
16 guilty of any criminal offense involving the illegal possession or use of
17 controlled substances under Subchapter 64 of Title 5 of the Arkansas Code of
18 1987, Annotated, the court shall prepare and transmit to the Department of
19 Finance and Administration within twenty-four (24) hours after the plea or
20 finding an order to suspend the driving privileges for the person for six (6)
21 months. In cases of extreme and unusual hardship, the order may provide for
22 the issuance of a restricted driving permit to allow driving to and from a
23 place of employment or to and from any scheduled sessions or meetings of
24 support organizations, counseling, education, or treatment for persons who
25 have addiction or abuse problems related to controlled substances.
26

27 SECTION 2. Upon receipt of an order of denial of driving privileges
28 under this act, the Department of Finance and Administration shall:

29 (1) Suspend the driver's license of the person for six (6) months; or

30 (2) In the event the person's driver's license is under suspension by
31 the Department for another offense or other violations, the person's driver's
32 license shall be suspended an additional six (6) months; or

33 (3) If the person has not been issued a driver's license, the issuance
34 of a license by the Department shall be delayed for an additional six (6)
35 months after the person applies for a license.
36

1 SECTION 3. Penalties prescribed in this act shall be in addition to all
2 other penalties prescribed by law for the offenses covered by this act.'

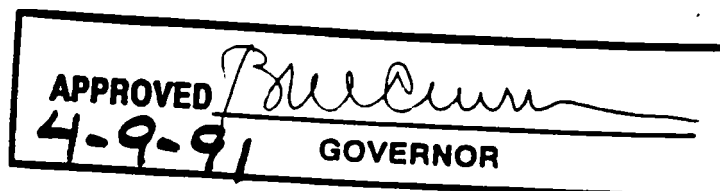
3
4 SECTION 4. All provisions of this act of a general and permanent nature
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
6 Revision Commission shall incorporate the same in the Code.

7
8 SECTION 5. If any provisions of this act or the application thereof to
9 any person or circumstance is held invalid, the invalidity shall not affect
10 other provisions or applications of the act which can be given effect without
11 the invalid provisions or application, and to this end the provisions of this
12 act are declared to be severable.

13
14 SECTION 6. All laws and parts of laws in conflict with this act are
15 hereby repealed.

16
17 SECTION 7. Emergency. It is hereby found and determined by the
18 Seventy-Eighth General Assembly of the State of Arkansas that federal mandates
19 require the loss of federal highway funds without implementation of a system
20 of suspending the drivers' licenses of persons convicted of drug offenses and
21 that additional enforcement mechanisms are urgently needed to deter persons
22 illegally using or dealing in drugs; that this act will provide that
23 additional enforcement mechanism; and that this act should go into effect
24 immediately in order to meet the requirements of the federal law and to grant
25 law enforcement officers and courts greater flexibility in dealing with the
26 illegal use and sale of drugs. Therefore, an emergency is hereby declared to
27 exist and this act being immediately necessary for the preservation of the
28 public peace, health and safety shall be in full force and effect from and
29 after its passage and approval.

30
31 /s/Mahony and McJunkin



ARKANSAS STATE HIGHWAY COMMISSION



RODNEY E. SLATER, CHAIRMAN
JONESBORO

L.W. "BILL" CLARK, VICE CHAIRMAN
LITTLE ROCK

BOBBY HOPPER
SPRINGDALE

HERBY BRANSCUM, JR.
PERRYVILLE

JOHN "M" LIPTON
WARREN

P. O. Box 2261
LITTLE ROCK, ARKANSAS 72203
TELEPHONE No. (501) 569-2000
FAX No. (501) 569-2400

MAURICE SMITH
DIRECTOR OF
HIGHWAYS AND TRANSPORTATION

DAN FLOWERS
ASSISTANT DIRECTOR OF
HIGHWAYS AND TRANSPORTATION

CHARLES VENABLE
CHIEF ENGINEER

May 4, 1993

Mr. William D. Richardson
Division Administrator
Federal Highway Administration
3128 Federal Office Building
Little Rock, Arkansas 72201

Dear Mr. Richardson:

This is in regard to the Department's December 1, 1992 submission for compliance with Section 159 of Title 23, United States Code, as enacted by the Department of Transportation and Related Agencies Appropriations Act for FY 1992. As required by the final rule, the Department's submission was made to the Federal Highway Administration. However, the final rule stated that the National Highway Traffic Safety Administration (NHTSA) has the lead responsibility for managing the Section 159 Drug Offenders License Suspension requirements.

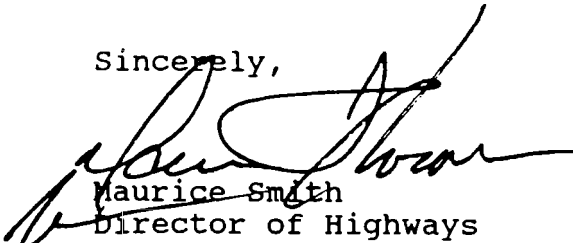
Arkansas' original submission included Act 1109 of 1991. Mr. John Womack, Acting Chief Counsel of NHTSA, stated that it was not clear if Act 1109 of 1991 would comply with all requirements. Therefore, Act 1257 of 1993 was enacted during the 79th General Assembly in an effort to comply with the legislative requirements of Section 159. Before this was enacted into law, Act 1257, in

ARKANSAS STATE HIGHWAY COMMISSION
LITTLE ROCK, ARKANSAS

Mr. William D. Richardson
May 4, 1993
Page 2 of 2

the form of House Bill 1860, was submitted to NHTSA for review and comment. Mr. John Womack stated in a memorandum that "if the proposal submitted is enacted into law, Arkansas will meet the legislative requirements of Section 159." Enclosed for your use and further handling is a copy of Act 1257 of 1993. Please consider this as an addendum to the Department's submission of December 1, 1992.

Sincerely,



Maurice Smith
Director of Highways
and Transportation

Enclosure

c: Georgia Jupinko/Enclosure

As Engrossed: 4/7/93

ACT 1257 1993
A Bill

HOUSE BILL 1860

1 State of Arkansas

2 79th General Assembly

3 Regular Session, 1993

4 By: Representatives McGee and Mahony

5
6
7 **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §§ 5-64-710,
9 5-65-116, 27-16-914, 27-16-915, 27-20-113, AND
10 27-23-112(a) TO PROVIDE FOR THE MANDATORY SUSPENSION OF
11 THE DRIVING PRIVILEGES OF PERSONS FOUND GUILTY OF CERTAIN
12 DRUG OFFENSES IN ORDER TO PREVENT THE LOSS OF FEDERAL-AID
13 HIGHWAY FUNDING TO BE APPORTIONED TO THE STATE FOR THE
14 FEDERAL FISCAL YEAR BEGINNING OCTOBER 1, 1993 AND EACH
15 YEAR THEREAFTER; AND FOR OTHER PURPOSES."

16
17 **Subtitle**

18 "PROVIDING FOR THE MANDATORY SUSPENSION OF DRIVING
19 PRIVILEGES FOR CERTAIN DRUG OFFENDERS."

20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22
23 SECTION 1. Arkansas Code Section 5-64-710 is hereby amended to read as
24 follows:

25 "5-64-710. Denial of driving privileges for minor - Restricted permit.

26 (a) As used in this section:

27 (1) 'Drug offense' means the possession, distribution, manufacture,
28 cultivation, sale, transfer, or the attempt or conspiracy to possess,
29 distribute, manufacture, cultivate, sell, or transfer any substance the
30 possession of which is prohibited under the Controlled Substances Act, or the
31 operation of a motor vehicle under the influence of such a substance;

32 (2) 'Substance the possession of which is prohibited under the
33 Controlled Substances Act' or 'Substance', as such phrase and term are
34 utilized in subsection (a)(1), means a controlled or counterfeit chemical, as
35 those terms are defined in subsections 102 (6) and (7) of the Comprehensive
36 Drug Abuse Prevention and Control Act of 1970 [21 U.S.C. 802 (6) and (7)]

Handwritten signatures and notes are present on the right side of the page, including a vertical stamp that reads "RECEIVED BY THE HOUSE".

1 SECTION 2. Arkansas Code Section 5-65-116 is hereby amended to read as
2 follows:

3 "5-65-116. Denial of driving privileges for minor - Restricted permit.

4 (a) As used in this section, the term 'drug offense' shall have the
5 same meaning ascribed to that term as provided in §5-64-710(a).

6 (b) Whenever a person who is less than eighteen (18) years of age
7 pleads guilty or nolo contendere to, or is found guilty of, driving while
8 intoxicated under §5-65-101 et seq., or of any criminal offense involving the
9 illegal possession or use of controlled substances, or of any drug offense, in
10 this state or any other state, or is found by a juvenile court to have
11 committed such an offense, the court having jurisdiction of such matter,
12 including any federal court, shall prepare and transmit to the Department of
13 Finance and Administration an order of denial of driving privileges for the
14 minor. Courts within the State of Arkansas shall prepare and transmit all
15 such orders within twenty-four (24) hours after the plea or finding to that
16 Department. Courts outside Arkansas having jurisdiction over any such person
17 holding driving privileges issued by the State of Arkansas shall prepare and
18 transmit such orders pursuant to agreements or arrangements entered into
19 between that state and the Director of the Department of Finance and
20 Administration. Such arrangements or agreements may also provide for the
21 forwarding by that Department of orders issued by courts within this state to
22 the state wherein any such person holds driving privileges issued by that
23 state. For any such person holding driving privileges issued by the State of
24 Arkansas, courts within this state, in cases of extreme and unusual hardship,
25 may provide in an order for the issuance of a restricted driving permit to
26 allow driving to and from a place of employment or driving to and from school.

27 (c) Penalties prescribed in this section and §27-16-914 shall be in
28 addition to all other penalties prescribed by law for the offenses covered by
29 this section and §27-16-914.

30 (d) In regard to any offense involving illegal possession under this
31 section, it shall be a defense if the controlled substance is the property of
32 an adult who owns the vehicle."

33
34 SECTION 3. Arkansas Code Section 27-16-914 is hereby amended to read as
35 follows:

36 "27-16-914. Suspension of operator's license of minor. Upon receipt of

1 and the Director of the Department of Finance and Administration. Such
2 arrangements or agreements may also provide for the forwarding by that
3 Department of orders issued by courts within this state to the state wherein
4 any such person holds driving privileges issued by that state.

5 (2) For any such person holding driving privileges issued by the State
6 of Arkansas, courts within the State of Arkansas in cases of extreme and
7 unusual hardship, may provide in an order for the issuance of a restricted
8 driving permit to allow driving to and from a place of employment or to and
9 from any scheduled sessions or meetings of support organizations, counseling,
10 education, or treatment for persons who have addiction or abuse problems
11 related to any substance or controlled substances.

12 (c) Upon receipt of an order of denial of driving privileges under this
13 section, the Department of Finance and Administration shall:

14 (1) Suspend the driver's license of the person for six (6) months; or

15 (2) In the event the person's driver's license is under suspension by
16 the department for another offense or other violations, the person's driver's
17 license shall be suspended an additional six (6) months; or

18 (3) If the person has not been issued a driver's license, the issuance
19 of a license by the department shall be delayed for an additional six (6)
20 months after the person applies for a license.

21 (d) Upon receipt of an order of denial of driving privileges under this
22 section, which order concerns a person who is a holder of a commercial
23 driver's license issued under §27-23-101, et seq, the Department of Finance
24 and Administration in addition to any actions taken pursuant to subsection (c)
25 shall:

26 (1) Suspend the commercial driver's license of the person for one (1)
27 year; or

28 (2) In the event the person's commercial driver's license is under
29 suspension by the department for another offense or other violations, the
30 person's commercial driver's license shall, in addition to any penalties
31 provided by the laws of this State, be suspended an additional one (1) year;
32 or

33 (3) If the person has not been issued a commercial driver's license,
34 the issuance of such a license by the department shall be delayed for an
35 additional one (1) year period after the person applies for a license.

36 (e) Nothing contained in subsection (d) shall require the issuance

1 the issuance of a license shall be delayed for an additional twelve (12)
2 months after the person applies for such a license. .

3 (d) Penalties prescribed in this section shall be in addition to all
4 other penalties prescribed by law for offenses covered by this section."
5

6 SECTION 6. Subsection (a) of Arkansas Code Section 27-23-112 is hereby
7 amended to read as follows:

8 "(a) DISQUALIFICATION OF OFFENSES. Any person shall be disqualified
9 from driving a commercial motor vehicle for the periods of time set out
10 within, and in accordance with, the provisions of §27-16-915 regarding a
11 holder of a commercial driver's license issued such a license under this
12 chapter, or for a period of not less than one (1) year if convicted of a first
13 violation of:

14 (1) Driving a commercial motor vehicle while intoxicated;

15 (2) Driving a commercial motor vehicle while the person's blood alcohol
16 concentration is 0.04% or more;

17 (3) Leaving the scene of an accident involving a commercial motor
18 vehicle driven by the person;

19 (4) Using a commercial motor vehicle in the commission of any felony as
20 defined in this chapter;

21 (5) Refusal to submit to a test to determine the driver's blood alcohol
22 concentration while driving a commercial motor vehicle. If any of the above
23 violations occurred while transporting a hazardous material required to be
24 placarded, the person shall be disqualified from driving a commercial motor
25 vehicle for a period of not less than three (3) years."
26

27 SECTION 7. The Director of the Department of Finance and Administration
28 is authorized to enter into any agreements or arrangements with other states
29 and to take all action deemed necessary or proper, including the making and
30 promulgation of rules and regulations, in order that the amendments contained
31 in this Act may be effectuated.
32

33 SECTION 8. All provisions of this Act of general and permanent nature
34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
35 Revision Commission shall incorporate the same in the Code.
36

Handwritten signature/initials on the left margin.

Handwritten signature/initials on the right margin.

CLERK OF THE HOUSE

ARKANSAS STATE HIGHWAY COMMISSION



RON HARROD, CHAIRMAN
PRESCOTT
RODNEY E. SLATER, VICE CHAIRMAN
JONESBORO
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HOT SPRINGS
BOBBY HOPPER
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MAURICE SMITH
DIRECTOR OF
HIGHWAYS AND TRANSPORTATION

DAN FLOWERS
ASSISTANT DIRECTOR OF
HIGHWAYS AND TRANSPORTATION

CHARLES VENABLE
CHIEF ENGINEER

December 1, 1992

Mr. Dennis Merida
Acting Division Administrator
Federal Highway Administration
3128 Federal Office Building
Little Rock, Arkansas 72201

Dear Mr. Merida:

The Department of Transportation and Related Agencies Appropriation Act for FY 1991 requires the withholding of certain Federal-aid highway funds from States that do not enact and enforce legislation requiring the revocation or suspension for six months of an individual's driver's license upon conviction for any violation of the Controlled Substance Act or any drug offense. As required by the final rule which implements the Act, the following is being transmitted:

- 1) A certification signed by Governor Bill Clinton stating that the State of Arkansas has enacted and is enforcing a Drug Offender's Driver's License Suspension law that conforms to 23 U.S.C. 159 (a)(3)(A).
- 2) A copy of the State law relating to the suspension, revocation, issuance or reinstatement of driver's licenses of drug offenders.
- 3) A letter from the Administrator of the State Office of Driver Services describing the steps the State is taking to enforce the law.

ARKANSAS STATE HIGHWAY COMMISSION
LITTLE ROCK, ARKANSAS

Mr. Dennis Merida
Acting Division Administrator
Federal Highway Administration
December 1, 1992
Page 2

Please consider this documentation as Arkansas' submission for determination of compliance with 23 U.S.C. 159 (a)(3)(A).

Sincerely,

A handwritten signature in black ink, appearing to read "Maurice Smith", with a stylized flourish at the end.

Maurice Smith
Director of Highways
and Transportation

Enclosure

c: Governor Bill Clinton

CERTIFICATION

I, Bill Clinton, Governor of the State of Arkansas, do hereby certify that the State of Arkansas has enacted and is enforcing a Drug Offender's Driver's License Suspension law that conforms to Section 23 U.S.C. 159(a)(3)(A).

SIGNATURE: Bill Clinton
Governor

DATE: 11/17/92



STATE OF ILLINOIS
OFFICE OF THE GOVERNOR
SPRINGFIELD 62706



JIM EDGAR
GOVERNOR

September 20, 1993

Frederico Pena, Secretary
United States Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590

Dear Secretary Pena:

I am writing you regarding 23 U.S.C. section 159(a)(3)(A) which requires states to enact a law pursuant to which an individual's driver's license is automatically suspended or revoked for six months upon conviction for a violation of the Controlled Substances Act or any drug offense.

The 1993 Session of the 88th General Assembly recently adopted a resolution opposing 23 U.S.C. section 159(a)(3)(A). I have attached a true copy of that resolution which was adopted on June 30, 1993 by the 88th General Assembly. The session recessed on July 13, 1993.

In addition, the Illinois Supreme Court in People v. Lindner, 127 Ill. 2d 174 (1989), suggested that former sections 6-204(a)(1) and 6-205(b)(2) of the Illinois Vehicle Code, which required mandatory driver's license revocation upon conviction of certain drug or sex related criminal offenses, unconstitutionally violated the offender's due process rights.

Based upon the actions of the General Assembly and the decision in People v. Lindner, Illinois cannot enact or enforce such a law as described in 23 U.S.C. section 159(a)(3)(A).

Sincerely,


Jim Edgar
GOVERNOR

WHEREAS, The Illinois State Supreme Court in 1989 (People v. Lindner, 127 Ill. 2d 174, 535 N.E. 2d 829) found unconstitutional a law which imposed driver's licensing sanctions for certain non-motor vehicle related sex offenses as well as the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse; and

WHEREAS, The Illinois State Supreme Court stated in Lindner that "Keeping off the roads drivers who have committed offenses not involving vehicles is not a reasonable means of ensuring that the roads are free of drivers who operate vehicles unsafely or illegally. To the contrary, the means chosen are arbitrary, not only because the offenses specified in 6-205(b)(2) (the above mentioned non-motor vehicle related sex and drug offenses) have no connection to motor vehicles, but also because the inclusion of those offenses and no others is arbitrary."; and

WHEREAS, The Illinois Secretary of State currently has the authority to cancel, suspend or revoke a driver's license or permit if the holder has been convicted of violating the Cannabis Control Act or the Illinois Controlled Substances Act while that individual was in actual physical control of a motor vehicle; and

WHEREAS, While the State of Illinois has some of the toughest laws in the nation when it comes to illegal drugs and has been in the forefront in the War on Drugs, the General Assembly finds it unreasonable that the federal government is attempting to force the State of Illinois to enact legislation, the likes of which has been found unconstitutional; therefore, be it

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Senate Joint Resolution No. 45

Offered by Senators Fawell and Jacobs

WHEREAS, The United States Department of Transportation and Related Agencies Appropriations Act for Fiscal Year 1991 (Public Law 101-516) was passed by Congress and signed into law on November 5, 1990; and

WHEREAS, Section 333 of the Act requires the withholding of certain Federal-aid highway funds from states that do not enact legislation requiring a six month revocation or suspension of an individual's driver's license upon conviction for any violation of the Controlled Substances Act, or any drug offense (regardless of whether or not the offense was motor vehicle-related); and

WHEREAS, In accordance with this federal law, if the state does not meet the requirement by October 1, 1993, Illinois stands to lose \$20,181,883 in federal road construction dollars in Federal Fiscal Year 1994; and

WHEREAS, The federal law provides that a state legislature may choose to exempt the state from this provision by adopting a resolution so stating; and

WHEREAS, The Tenth Amendment to the Constitution of the United States provides that: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

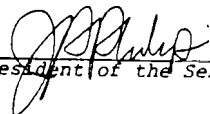
WHEREAS, The federal government should not dictate policy or legislation of this kind to the State; and

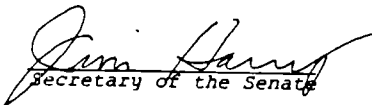
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RESOLVED, BY THE SENATE OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that in order to avoid the loss of tax dollars which this State is entitled to, that a copy of this Preamble and Resolution be immediately forwarded to the Governor of the State of Illinois and that the Governor shall submit to the Secretary of the United States Department of Transportation written certification that the State of Illinois is opposed to the passage of a law which is unconstitutional under State Law; and be it further

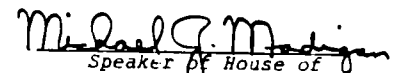
RESOLVED, That copies of this resolution be sent to the members of Illinois' Congressional delegation.

Adopted by the Senate, May 25, 1993.


President of the Senate


Secretary of the Senate

Concurred in by the House of Representatives, June 30, 1993.


Speaker of House of Representatives


Clerk of House of Representatives

OFFICE OF THE GOVERNOR
STATE OF MONTANA

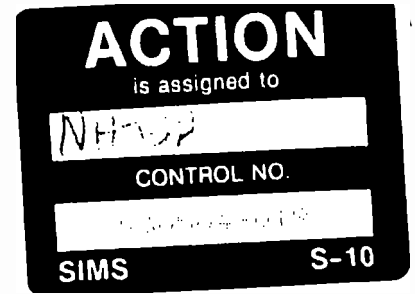
MARC RACICOT
GOVERNOR



STATE CAPITOL
HELENA, MONTANA 59620-0801

April 28, 1993

Federico Pena
Secretary of Transportation
400 7th Street, SW
Suite 10200
Washington D.C. 20590



Re: 23 U.S.C. 159 Certification

Dear Secretary Pena:

Pursuant to 23 U.S.C. 159(a)(3)(B), I hereby certify that both houses of the Fifty-third Montana Legislature have adopted the attached Senate Joint Resolution 25 expressing their opposition to the enactment of a law requiring the revocation or suspension of the driver's license of any person convicted of a drug offense or the denial of issuance or the reinstatement of a driver's license to any person convicted of a drug offense.

I further certify, in order to avoid the impending loss of federal-aid highway funds, my opposition to the enactment or enforcement of such a law relating to the suspension, issuance, or reinstatement of drivers' licenses to convicted drug offenders in the manner required by 23 U.S.C. 159(a)(3)(B).

Sincerely,

Marc Racicot

MARC RACICOT
Governor

Enc.

cc: Al Goke

RECEIVED
MAY 6 1993
P4:39
OFFICE OF THE GOVERNOR

9305050001



EXECUTIVE CHAMBERS
HONOLULU

BENJAMIN J. CAYETANO
GOVERNOR

July 27, 1995

Mr. Abraham Wong
Division Administrator
U. S. Department of Transportation
Federal Highway Administration
Box 50206
Honolulu, Hawaii 96850

Dear Mr. Wong:

I, Benjamin J. Cayetano, Governor of the State of Hawaii, do hereby certify that I am opposed to the enactment or enforcement of a law that conforms to 23 U.S.C. 159 (a) (3) (A) and that the Legislature of the State of Hawaii has adopted a resolution expressing its opposition to such a law.

With warmest personal regards,

Very truly yours,


BENJAMIN J. CAYETANO