State lacks funds to seize licenses of drunken drivers

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Beginning New Year's Day, police officers are supposed to seize the licenses of drunken drivers at the time of arrest, but state officials say the new, stricter law is probably months away from implementation.

"It will not go into effect Jan. 1," state police spokesman Ronnie Jones said Wednesday.

The problem is money, which Jones says the state Legislature forgot to set aside when it passed the law. The money is needed to train officers and hire additional employees to handle what promises to be a massive amount of paperwork.

The law is designed to reduce the time between crime and punishment and to get the drunken driver off the road immediately.

Currently a drunken driver does not risk losing his license until he is convicted. Under the new law, if a driver registers at least .10 on the breath test or refuses to take the test, the arresting officer seizes his license immediately.

Seizing the license is relatively simple. But the expense, officials say, is because the drivers have to be given the opportunity to challenge the seizure.

That means hiring employees to carry out administrative hearings for those who exercise that challenge.

Jones said the department expects 15,000 to 30,000 such cases a year. There also is the expense of having the state police train troopers, city policemen and deputies statewide on how to carry out the law without denying anyone's legal rights.

Jones said the Department of Public Safety needs $800,000 to administer the new law. So far, the state hasn't chipped in a dime. There is, however, a promise of $200,000 from the federal government.

But the federal money was approved only in the last 30 days, he said. Therefore, since there was no money, no one was drawing up the necessary forms that will have to be used.

Those forms are now on order and should be in within six to eight weeks, Jones said.

Also, the federal grant must be formally approved by the state Department of Administration in a budget hearing scheduled for Jan. 10 and 11.

"We've had to wait until the last minute, and we're right down to the wire," Jones said. "We proceeded on the plan that we hope will be implemented sometime in the first quarter of the year."

According to the new law, when a first offender flunks the breath test, he loses his license for 90 days. If he refuses to take the test, his license is revoked for six months.

Second offenders lose their licenses for one year for flunking the test and for 545 days for refusing the test.

However, a driver has 10 days from the time his license is lifted to file a written request for an administrative hearing. Simply by making such a request, he gets a temporary, 30-day permit to drive. A hearing must be scheduled within 45 days.

Although the paperwork and personnel won't be ready on New Year's Day, the law will still be in effect. That means that an officer has the legal authority to seize a drunken driver's license, Jones said.

But since the rest of administrative framework hasn't been erected yet, such a seizure is likely to be overturned rather swiftly, he said.