

Teenage Drunk Driving v. Adult Drunk Driving
Law 17 and 34
Ryan Dunn

Gov. Arnold Schwarzenegger signed a law as of January 1, 2006, it requires teen drivers to have their license for one year before allowed to drive between 11 p.m. and 5 a.m., or being allowed to transport young passengers without an adult in the car. Previously, teen drivers were prohibited from driving between midnight and 5 a.m. for one year and could not transport young passengers without an adult in the car for first six months after obtaining a license.

An Auto Club analysis for teen crash statistics shows that the changes should further reduce teen crash deaths and injuries which have already been significantly reduce by the existing Graduated Driver's License (GDL) law for teen.

Following is a list of statistics:

1. Over 74,000 young people die or are injured each year be not wearing seatbelts.
2. In their first year of driving 1 in 5 16-year-old drivers has an accident.
3. Attitude is one of the most important factors in safe driving.
4. Tw-thirds of teen passenger deaths are in vehicles driven by other teenagers.
5. Over one-third of teen fatal crashes are speed related.
6. According to the California Office of Traffic Safety, a 16-year-old is 20 times more Likely to be killed in a crash than an adult.
7. The risk of a fatal crash three times greater at night, for every mile driven.
8. Practicing in all weather conditions is the only preparation for severe weather driving.
9. One-third of all crashes are at intersections.
10. Underage drinking and drug use is illegal. Following is a list of statistics:

In 1997, California was the first state to pass a Graduated Driver's License law that included a passenger limit for teen drivers, and the law took effect in July 1998. In the first two years after passage of the law, teen passengers killed and injured in crashes involving 16-year old drivers decrease 40 percent. Besides California, 48 other states and the District of Columbia have approved some form of teen driving restrictions. I feel that the laws could still be improved upon to keep are young adults safer. Increase the number of hours to at least 1200 and be stricter on the drunk driving laws.

Drivers under 21 cannot carry alcohol inside a vehicle unless they are accompanied by a parent or another person as specified by law. Blood Alcohol Concentration limit for any person under age of 21 is 0.01% of higher and over age of 21 the BAC of 0.08% or higher. There are also differences in how the individual is treated.

Bobus v. Department of Motor Vehicles No. A106637 December 16, 2004. Court of Appeal, First District, Division 5, California

Bobus a 16 year old was stopped while driving on the freeway for weaving from lane to lane. When officer spoke to her she smelled of alcohol and her eyes where bloodshot. He administered two preliminary alcohol screening tests. Both showed her BAC was .022%. Her license was suspended because of (Veh.Code, 23136.subd. (a) The notice informing that her license was suspended (13353.2, subds. (a)(2) & (b). Bobus challenged the suspension and requested administrative hearing (13558.) Bobus (age 16) stated she had not been drinking but had taken a capful of cough syrup. The hearing officer considering this evidence upheld the suspension of Bobus's license. The term "alcohol beverage" is defined by section 109 to include "any liquid which contains alcohol." Here, Bobus presented evidence at the administrative hearing from an expert witness who admitted that cough syrup can contain as much as 26 percent alcohol. Cough syrup that contains alcohol is an "alcoholic beverage" as that term is statutorily defined. The court upheld the decision.

I feel the court was correct in the suspension of her license because alcohol is alcohol and her BAC was .022%. Hopefully she will learn from this experience and be more careful in the future and save her own life. I believe that our teenagers are not given enough training before they get a license. There is not any training provided in the California schools to prepare our teenagers for driving. They have to read DMV training manual on their own and then take the written test for a permit, then hire some instructor to give them the required 6 hours behind the wheel in order to be able to take the driving test. This is not enough information to prepare our teenagers for driving the California roads. There are various states that still give drivers training in our schools.

Coniglio v. Department of Motor Vehicles (1995) No.100197. 39 Cal.App.4th 666, 46 Cal.Rptr.2d 123.

Monterey Police Officer stopped Alyson Conigilio she was observed stopped at a red light she was not wearing a seat belt when the officer stopped her, he asked for her driver's license. She admitted she didn't have her license with her. She verbally identified herself. She stated she was under 21. The officer noted her eyes where bloodshot and she admitted that she had been drinking alcohol. Officer conducted sobriety tests and determined that respondent was not under the influence. He advised her of the "zero tolerance" law. (Makes driving a vehicle unlawful for a person under the age of 21 years with a blood-alcohol concentration of 0.01% or greater.) She agreed to take a PAS test. Her BAC showed as .056, and .055. She was notified that her license would be suspended in 30 days. She requested an administrative hearing with the DMV and after the hearing DMV upheld the suspension.

I agree with the court and uphold its decision it is important for our young adults to be aware that their actions in regards to driving under the influence be taken very serious. The laws are there for a reason, the young adults do not have enough experience behind the wheel of a car that they should not be driving with any amount of alcohol.

People v. Moulayi No. G042712, June 29, 2011. Court of Appeals of California, Fourth District, Division Three.

Early morning of August 28, 2008, while under the influence of alcohol and without a driver's license, (he had lost his license about a month before while driving drunk) the 17-year-old defendant, Milad Moulayi was driving his car in excess of 110 miles per hour when he lost control of the car. The car travelled across the center median, struck several signs, a utility box, and a water structure before striking a traffic signal pole. The car's collision with the traffic signal pole caused the car to be split in half. The passenger 16 year-old Mackenzie Frazee died from traumatic shock caused by blunt force trauma. The driver had been in court the day before, the presiding juvenile court referee lectured defendant on how driving, "carries with it an intense amount of responsibility." The referee addressed the seriousness of defendant driving without having learned how to drive responsibly – knowledge required before he would be issued a license. (The referee prohibited defendant from obtaining a driver's license for 180 days.) The jury found the defendant guilty of second degree murder and driving a motor vehicle without a license, the trial court sentenced defendant to 15 years to life in state prison. His BAC at time of accident was .113%

I have to agree with the court, I believe he was given a chance to correct his driving problems, but he elected not to follow them. He knew he was wrong in driving without his license and drinking while driving, some of his friends had offered to drive him but he refused. He took an innocent young girls life, I feel that this is the same as taking a gun to the young girl and firing it. If a teenager isn't going to follow the law then that teenager should expect to live with the consequences.

Lockwood v. DMV (No. H029624 Santa Cruz County Superior Court No. CV1151179) Jan. 25, 2007.

Forrest Lockwood,II was arrested for a violation of section 23152. He was seen driving his vehicle by a fire fighter prior to being found in a ditch. His key was in the ignition and the car was turned on, the fire fighter detected a strong odor of alcohol coming from the vehicle. Mr. Lockwood ignored the fire fighter and tried to put the car in gear. The fire fighter removed the key from the ignition. Officer York had also observed Mr. Lockwood behind the wheel he removed Mr. Lockwood from the vehicle and handcuffed him and placed him in the back seat of the squad car. Officer Steinhauer arrived asked how he got stuck in the ditch he stated that he had drank four beers, but refused to answer any further questions. He was asked to take a chemical test for the alcohol content of his blood he refused. A forced blood test was then taken. His driver's license was revoked by DMV. Mr. Lockwood requested an administrative hearing. The hearing officer issued a notification of findings and decision in which he upheld the DMV's determination to revoke appellant's driving privilege. Appellant then brought a petition for writ of mandate, which the superior court denied. Judgment upheld.

I agree with the court findings how would the vehicle get into the ditch if he was not driving since he was sitting behind the wheel and the engine running. He also admitted he had four beers earlier. I believe he should have his license revoked.

I still feel after looking through all these cases that the driving laws for our young adults lack additional training they need before obtaining their driver's license. I think the school system should provide students more training in regards to driving and the facts regarding drinking,

texting, and seat belts and the importance of further knowledge of the facts of what happens once they get behind the wheel. I also feel 16 is too young to be behind the wheel of a car, I don't think they have enough maturity to be driving.

Footnotes

California Driver Handbook – Actions That Result In Loss of Driver License
www.dmv.ca.gov/pubs/hdbk/actions_drink.htm

California Traffic Safety Report Card
www.ots.ca.gov/OTS_and_Traffic_Safety/Report_Card.asp

Teenage Driver Crash Statistics
www.dmv.ca.gov/teenweb/more_btn6/traffic/traffic.htm

Young Drivers – Legislative advocacy is key to addressing teen driving deaths
www.injuryprevention.com

Justia US Law – Machado v. Department of Motor Vehicles (1992) 10 Cal.App.4th 1687 [13 Cal.Rptr.2]
law.justia.com/cases/California/caapp4th/10/1687.html

The Drunk Driving Law Center
Caselaw.duicenter.com

GEICO Teen Driving Statistics
www.geico.com/information/safety/auto/teendriving/statistics/

California Driver Handbook – Special Section - Minors
www.dmv.ca.gov/pubs/hdbk/minors_vio_actns_phns.htm

Court of Appeal, First District, Division 5, California
Bobus v. Department of Motor Vehicles No. A106637
Caselaw.findlaw.com/ca-court-of-appeal/1259045.html

Coniglio v. Department of Motor Vehicles (1995) 39 Cal.App.4th 666, 46 Cal.Rptr.2d 123
www.lawlink.com./research/caselevel3/72925

People V. Moulayi Filed June 29, 2011 – No. G042712 (Court of Appeals of California, Fourth District, Division Three)
www.leagle.com/xmlResult.aspx?page=2&xmlDoc=In_CACO_2011629102.xml&do

CA DMV Case law – Lockwood v. DMV No. H029624 (Santa Cruz County Court No. CV151179 Jan. 25, 2007.)
www.caduilaw.com/dui_defense/CADMV_Caselaw-Lockwoodv.DMV.html