

Historical Overview

In the summer of 1981, State Senator William T. Smith introduced the STOP-DWI legislation, which was considered during the 1981-1982 regular session of the New York State Legislature. This legislation was the result of years of advocacy by Senator Smith following the death of his daughter by an impaired driver in 1973 (New York STOP-DWI Coordinators Association, 2003). The STOP-DWI Law was enacted in November 1981, and county programs were first implemented in 1982. The American grassroots advocacy movement to criminalize drunk driving characterized the early 1980s, and New York citizens were at the heart of key historical events that shaped modern efforts to reduce impaired driving. The Institute for Traffic Safety Management and Research (ITSMR, 2003 reprint) describes the period from 1983 to 1985 as a time when there were many changes in drunk driving laws, in particular, the strengthening of penalties and fines for impaired drivers in New York.

During the past two decades, State and national milestones in the evolution of impaired-driving control and prevention have accompanied STOP-DWI. Table 1 highlights historical events, key legislation, and other moments in time that shaped the current STOP-DWI program and associated activities in New York.

Table 1. National, State, and Program Milestones, 1978 - 2003.

TIMELINE	STATE/PROGRAM MILESTONES	NATIONAL MILESTONES
1978	<ul style="list-style-type: none"> • Four NY Remove Intoxicated Drivers (RID) Chapters (including Prevent Alcohol Related Killings in Tompkins County) formed 	<ul style="list-style-type: none"> • The Nation's first anti-DWI citizen group is formed in Schenectady, New York ♦ Remove Intoxicated Drivers (RID)
1980	<ul style="list-style-type: none"> • NY State enacts ♦No-plea-bargaining-out-of-alcohol♦ law (plea limitations) and license revocation for chemical test refusals • NY Senate Task Force on Drunk Driving 	<ul style="list-style-type: none"> • Mothers Against Drunk Driving founded • DWI Victim Impact Panel convened (Oswego County, NY)
1981	<ul style="list-style-type: none"> • STOP-DWI Legislation 	<ul style="list-style-type: none"> • National ♦Just Say No♦ Anti-

	enacted in New York	Drug Campaign
1982	<ul style="list-style-type: none"> • STOP-DWI Local Programs implement • Minimum Drinking Age (MDA) 19 years old • First Victim Impact Statement in court (Michelle Martin Case, Albany, NY) • STOP-DWI Coordinators Association founded 	<ul style="list-style-type: none"> • Presidential Commission on Drunk Driving • Alcohol Countermeasures Incentive Grant Program created by Congress (Section 408)
1984	<ul style="list-style-type: none"> • First Mandatory Safety Belt law (NY) • Effort to increase MDA to 21 years old fails 	<ul style="list-style-type: none"> • National Minimum Drinking Age (21 Years Old) established by Congress
1985	<ul style="list-style-type: none"> • First Evaluation of STOP-DWI • Alcohol ◆Purchase◆ Law (changed to Alcohol ◆Possession◆ Law in 1990) • MDA 21 years old in New York 	

<p>1988</p>	<ul style="list-style-type: none"> Repeat Offender Administrative License Revocation Law (repeat alcohol offenders driving privileges suspended pending prosecution) 	<ul style="list-style-type: none"> Omnibus Anti-Drug Abuse Act (extends victims of DWI the same compensation rights offered to victims of other crimes) Drunk Driving Prevention Incentive Grant Program created by Congress (Section 410) Alcohol Beverage Labeling Act All States Enact MDA (21 Years Old)
<p>1990</p>	<ul style="list-style-type: none"> NY State Police begin first toll-free drunk driver reporting hotline in the U.S. 	<ul style="list-style-type: none"> U.S. Supreme Court rules in favor of sobriety checkpoints after constitutionality challenge.
<p>1991</p>		<ul style="list-style-type: none"> Intermodal Surface Transportation Efficiency Act (ISTEA)*
<p>1992</p>	<ul style="list-style-type: none"> Constitutionality of STOP-DWI Local Option revenues upheld by NY Supreme Court 	
<p>1994</p>	<ul style="list-style-type: none"> Administrative License Revocation Law expanded to include all alcohol offenders' driving privileges suspended pending prosecution (Judicial Per Se) 	
<p>1995</p>		<ul style="list-style-type: none"> Zero-Tolerance requirements established by Congress (illegal under age 21 to drive with any detectable alcohol in their systems)
<p>1996</p>	<ul style="list-style-type: none"> Zero-Tolerance Law for Underage Youth (.02 BAC) (November) 	

1998	<ul style="list-style-type: none"> • Excise tax on beer lowered 	<ul style="list-style-type: none"> • Transportation Equity Act for the 21st Century (TEA-21) and the TEA-21 Restoration Act established Incentive Grants for States with .08 BAC laws and sanctions for States without complying Repeat Offender and Open Container laws • Zero-Tolerance legislation in all 50 States
2000	<ul style="list-style-type: none"> • STOP-DWI Foundation created • Open Container Law (August) 	
2002	<ul style="list-style-type: none"> • Sean's Law ** 	<ul style="list-style-type: none"> • Sanction for States without .08 BAC Laws
2003	<ul style="list-style-type: none"> • .08 BAC Law (July) • Repeat Offender Law (September) • Graduated Driver Licensing Law (September) • Underage drinking hotline (866-UNDER-21) established • Beer Keg Registration (November) • Certified Alcohol Server Training Program 	<ul style="list-style-type: none"> • Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2003 (SAFETEA) Introduced

* Enhanced Section 410 program to more effectively encourage States to adopt key anti-DWI legislation.

** Sean's Law (allows judge to suspend license of learner's permit of a minor charged with DWI or DWAI until the minor's next court appearance)

Data source(s): New York State Governor's Traffic Safety Committee, 2004; Institute for Traffic Safety Management and Research, 2003 reprint; MADD, 2003; National Council on Alcoholism and Drug Dependence, 2004; New York State Police, 2003; RID, 2003.

Of note, in 1992, the STOP-DWI program withstood an effort by the State of New York to directly use program resources. The State of New York directed the Comptroller to “collect, withhold and receive” up to 2 percent of STOP-DWI revenues from any court during the appropriations of the 1990-1991 State Budget. The stated purpose was to defray associated administrative costs of the Department of Motor Vehicles. This action resulted in the “2 percent lawsuit” and the STOP-DWI programs, beginning with a group of five counties and represented by Rensselaer County, subsequently sued the State of New York. The premise was that the State of New York overstepped its authority without basis as the STOP-DWI law specifically directed no administrative responsibilities other than oversight to the Commissioner of the Department of Motor Vehicles. Therefore, the New York Supreme Court ruled in 1992 that the State’s action was unconstitutional. The 2 percent lawsuit is an important historical milestone that affirmed the strength of the “local option” standard of the STOP-DWI program (Court of Appeals of New York, 1992).