

FINAL REPORT
THE EFFECTS OF LOWERING THE LEGAL DRINKING
AGE IN VIRGINIA

by

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(The opinions, findings, and conclusions expressed in this
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ABSTRACT

On July 1, 1974, an amendment went into effect which lowered Virginia's legal drinking age for beer to 18 years; the minimum drinking age for wine and hard liquor was kept at 21. This move to extend adult drinking privileges to persons of military age had already been made in one form or another in about 30 other states. The most common practice among these states was to allow the purchase of all alcoholic beverages at one particular age. Virginia is the only state which discriminates between beer and wine/hard liquor in its treatment of minimum ages. While it is recognized that the possible effects of lowering the legal drinking age may be far reaching, the sole purpose of the research reported here was to examine the effect of reducing the legal drinking age on the highway safety environment in Virginia. This was accomplished through a review of the literature and an examination of Virginia crash data. It was found that lowering the legal drinking age resulted in increased alcohol-related accidents for young persons, and it was concluded that a more protective stand should be taken toward persons 18 to 20 years old with regard to the legal drinking age in Virginia.

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SUMMARY OF FINDINGS AND CONCLUSIONS

It has been previously determined that young persons have traditionally had the worst driving record of all age groups, and that drinking even small amounts of alcohol drastically increases their probability of being involved in a motor vehicle accident. (This is not the case among older drivers, who must drink considerably more alcohol to increase their chances of accident involvement as much.) Considering that young persons are also more likely to combine alcohol with psychoactive drugs such as marijuana than are older drivers, it can be safely said that substance abuse while driving was a potentially serious problem for young persons even before the legal drinking age was lowered.

The actual effects of lowering the drinking age were then examined. First, it was found that the purchase and consumption of alcohol beverages increased for newly enfranchised persons 18 to 20 years old. This was especially true of draught beer consumed in restaurants and taverns, which indicated that the young persons would be more likely to drive after drinking than if they were consuming the beverages at home. Increases in consumption of alcohol were also noted among persons as young as 13, probably because their older schoolmates were legally purchasing the beverages for them.

The ultimate impact of the new drinking age law on highway safety must be measured in terms of accidents. Significant increases in alcohol-related accident experiences associated with the change in the drinking age have been noted, not only for persons 18 to 20 years old but also for persons 16 to 17 years old. These increases have not been noted for non-alcohol-related accidents nor for accidents involving older, and thereby unaffected, drivers. Also, increases have not been noted in states that did not change their drinking age laws. An analysis of Virginia crash data yielded similar results; there were significant increases in alcohol-related crashes for persons 16 to 19 years old subsequent to the lowering of the legal drinking age. No significant increases were noted for non-alcohol-related teenage crashes. At the same time, both alcohol-related and non-alcohol-related crashes significantly decreased for older drivers, probably as a result of the 1974 energy crisis.

It can be concluded from the examination of both the available literature and Virginia accident statistics that lowering the legal drinking age has had an adverse effect upon the accident experience of young persons. From a purely safety standpoint, then, a more protective public policy toward 18 to 20 year olds should be adopted.

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RECOMMENDATIONS

It is recommended that the Department of Transportation Safety actively support legislation to raise the legal drinking age which includes the following provisions.

1. That the legal drinking age be raised incrementally for the next three years, so that the drinking age for beer would become 19 years in 1981, 20 years in 1982, and 21 years in 1983. In this way, no group would be disenfranchised, i.e., be permitted to purchase and consume beer during one year and not permitted to do so the next, and the most beneficial step of returning the legal drinking age to 21 years would be assured without requiring subsequent legislative action.
2. That an evaluation of the effects of raising the legal drinking age be required to determine whether this change in age improves the highway safety environment for young persons 18 to 20 in Virginia.

Alternately, should these provisions not be incorporated into proposed legislation, it is recommended that the Department support legislation raising the legal drinking age to 19, and then seek additional legislation in subsequent General Assembly sessions to raise the legal drinking age to 21 years.

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FINAL REPORT

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BACKGROUND

On April 7, 1974, the Virginia General Assembly passed a law lowering the legal drinking age in the state. This legislation, which allowed persons 18 years and older to legally buy beer, went into effect July 1, 1974. Such an action came as the result of a nationwide trend to extend adult privileges such as voting to persons between the ages of 18 and 21. Prior to 1970, only New York and Louisiana had drinking ages lower than 21. Between 1970 and 1973, half of the states amended their drinking laws to allow younger persons to buy and consume various types of alcoholic beverages. While several states have since raised their drinking ages, reversals have still been relatively rare. As noted in Table 1, at this writing 13 states allow the purchase of all alcoholic beverages at 18 years, 9 states allow this privilege at 19 years, 4 allow it at 20 years, and 21 allow it at 21 years. Four states differentiate between types of alcoholic beverages in setting drinking ages. Maryland, North Carolina, and South Carolina allow persons 18 years old to drink both beer and wine, while drinking hard liquor is reserved until 21. Virginia is the only state to allow beer drinking at 18 but to require a person to be 21 before being allowed to drink both wine and hard liquor.

The trend toward lowering legal drinking ages was probably an indirect result of the participation of then minors in the Viet Nam conflict in that it was felt that persons who were old enough to serve in the armed forces were old enough to drink. This same trend was responsible for the enfranchisement of 18 year olds as part of recognizing their already adult role in military action overseas. In that this trend reflects both that persons at 18 are capable of responsibility in drinking, which may not be the case, and increased availability of alcohol to the young driver, it can theoretically be expected to produce changes in various types of alcohol-related behaviors within this group. (1,2,3,4)

TABLE 1
CURRENT MINIMUM DRINKING AGES

<u>State</u>	<u>Beer</u>	<u>Wine</u>	<u>Liquor</u>	<u>3.2 Be</u>
Alabama	19	19	19	-
Alaska	19	19	19	-
Arizona	19	19	19	-
Arkansas	21	21	21	-
California	21	21	21	-
Colorado	21	21	21	-
Connecticut	18	18	18	18
Delaware	20	20	20	-
D. C.	18	18	18	-
Florida ¹	18	18	81	-
Georgia ²	19 (18, 7/1/81)	19 (18, 7/1/81)	19 (18, 7/1/18)	-
Hawaii	18	18	18	-
Idaho	19	19	19	-
Illinois ³	21	21	21	-
Indiana	21	21	21	-
Iowa	18	18	18	-
Kansas	21	21	21	-
Kentucky	21	21	21	-
Louisiana	18	18	18	-
Maine	20	20	20	-
Maryland	18	18	21	-
Massachusetts ⁴	20	20	20	-
Michigan ⁵	21	21	21	-
Minnesota	18	18	18	-
Mississippi	21	21	21	-
Missouri	21	21	21	-
Montana	19	19	19	-
Nebraska	19	19	19	-
Nevada	21	21	21	-
New Hampshire ⁶	20	20	20	-
New Jersey	21	21	21	-
New Mexico	21	21	21	-
New York	18	18	18	-
North Carolina	18	18	21	-
North Dakota	21	21	21	-
Ohio	21	21	21	18
Oklahoma	21	21	21	-
Oregon	21	21	21	-
Pennsylvania	21	21	21	-
Rhode Island	18	18	18	-
South Carolina	18	18	21	-
South Dakota	21	21	21	18
Tennessee	19	19	19	-
Texas	18	18	18	-
Utah	21	21	21	-
Vermont	18	18	18	-
Washington	21	21	21	-
West Virginia	18	18	18	-
Wisconsin	18	18	18	-
Wyoming	19	19	19	-
Virginia	18	21	21	-

1 Lowered from 21 in 1978.

2 Lowered to 19 as of 9/1/80; will be lowered to 18 on 7/1/81.

3 Raised to 21 from 19 on January 1, 1980.

4 Raised to 20 from 18 in 1979.

5 Raised to 21 from 18 in 1978.

6 Raised to 20 from 18 in 1979.

PURPOSE AND SCOPE

It is clear that there is more potential for change as a result of changing the drinking age than just in the area of highway safety; other aspects of the behavior of young persons could be affected, such as educational and school-related activities, parental and peer relations, vocational interests, and sexual or criminal activities, all of which should be examined to determine the impact of lowering the drinking age. It is the sole purpose of this report, however, to discuss only the highway safety implications of this change in drinking laws both in Virginia and in other states. This will be done through a review of the literature concerning drinking among young persons and through an analysis of crash data for Virginia teenagers.

RESULTS

Literature Review

Based upon this analysis, a number of issues relating to the impact of lowering the drinking age were addressed, including (1) the susceptibility of young persons to the effects of alcohol and drug usage, (2) the impact of lowering the legal drinking age on the purchase and consumption of alcoholic beverages, (3) the effect of lowering the drinking age on accidents among persons 18 to 20 years old as well as its impact on persons 16 to 17, and (4) changes in the highway safety environment in Virginia concurrent with lowering the legal drinking age for beer to 18 years.

In previous studies it has been well documented that persons aged 16 to 20 years are more susceptible to having traffic accidents than are persons in any other age group.⁽⁵⁾ Indeed, they tended to have the worst driving records of all age groups even before alcohol was made more readily available to them. Persons 18 and 19 years old traditionally incur the most traffic violations and have the highest accident rates. At one time it was believed that this abnormally high accident rate resulted from a lack of driving experience. However, this peak in accidents at 18 or 19 occurred not only among new drivers but also among those who had begun driving at 15 or 16, and who thus had several years' experience.^(6,7) This would indicate that there is something associated with being 18 or 19 that is also associated with or causes an increase in accidents. It has been hypothesized that these extremely high accident rates may result from stress caused by significant life changes and pressure to make and be responsible for various types of decisions, such as high school graduation, concern over vocational choices, pressure to be accepted at a good college, entry into the

working world, concern over personal problems, possible marital choices, sexual anxiety, and concern over military service.(8) In any case, the increased susceptibility to stress and distraction at this age also makes this group a possible target for alcohol problems, especially when the choice of whether or not to drink is added to their other decisions.(5) For all these reasons, young persons would be expected to have an unusually high rate of involvement in alcohol-related traffic crashes.

This high rate of involvement in drinking and driving crashes has been clearly demonstrated through rigorous study. Alcohol-impaired drivers at 18 or 19 are about twenty times more likely to die in a motor vehicle crash than the average non-impaired driver, and about twice as likely to die in a crash as the impaired adult driver.(6) Even more serious is the fact that young people having had only one or two drinks (and thus not considered to be impaired) are still significantly more likely to have accidents. Low concentrations of alcohol in the blood are significantly associated with crash involvement for young people, but not for older drivers.(9) Two explanations for this are hypothesized: some researchers attribute this sensitivity to a lack of experience in coping with the effects of alcohol, while others feel that young persons may simply be more sensitive to the toxic effects of alcohol.(10,11) In any case, it appears to take less alcohol to significantly increase the probability of accident involvement for young drivers than for older ones.(5)

Compounding this problem is the marked preference toward drug usage among young persons. It has been shown that combining psychoactive drugs with alcohol always results in impairment and that the effects can often be additive or synergistic.(12) Young drivers mix psychoactive drugs and alcohol more often than do their older counterparts, and this leads them into increased impaired driving and drug related collisions.(3,14,15,16) In one study of college age students (18-20), over half had used marijuana, and of these, 60% had combined alcohol and marijuana at least occasionally. About 39% combined the two half of the time and 14% used alcohol and marijuana together at least once a week. Of the impaired driving done by these students, 25% was done under the influence of both alcohol and marijuana.(17) Since these figures are now several years old and since they represent self-reported admissions of illegal behavior, it is likely that they underestimate the marijuana/alcohol problem. Additionally, there is little information concerning the actual use of alcohol and other psychoactive drugs such as amphetamines, barbiturates, and cocaine that may have become more available in the last few years.

From the preceding discussion, it is clear that the problem of impaired driving by young persons was already an increasingly serious one even when the purchase of any type of alcoholic beverage was illegal until age 21. Increasing the availability of alcohol for teenagers can accelerate the rising trends in drinking and driving, if it results in increased consumption of alcoholic beverages. In areas where drinking ages have been lowered, commensurate increases in alcohol purchases have been noted, (17,18) often bringing consumption by young people to the same level as that of the adult population. (19) While off-premise sales have increased somewhat, on-premise purchases by young persons in restaurants and taverns have been most affected. (20,21) This increase is most marked with regard to the purchase of draught beer. (21) These increases in beer purchases are especially significant in that (1) beer is the most popular alcoholic beverage among persons 18-20, accounting for 70% of all alcohol consumed by this group; (2) beer drinking plays "a large role in youthful crash fatalities"; (22) and (3) all of the currently amended drinking laws, including Virginia's, have made it legal to drink beer at a lowered age.

Increases in the consumption of alcoholic beverages, however, are not limited to 18 to 20 year olds. There have also been dramatic increases in consumption by persons as young as 13 found in a study of students in the 7th, 9th, 11th, and 13th grades. In another study, increases in alcohol consumption concurrent with changing drinking laws were found to be greater for persons 16 to 17 years old than for persons 18 to 20 years old. (18) This effect is commonly referred to as "spillover", and it applies not only to the consumption of alcohol but also to increased involvement in motor vehicle accidents for 16 to 17 year olds. The spillover in drinking is thought to be caused by newly enfranchised 18 year olds, usually high school seniors, purchasing alcoholic beverages for their younger cohorts, or by underage individuals passing for 18, when previously it would have been impossible for them to pass for 21. In any case, it must be recognized that the potential impact of reduced drinking ages is not limited to those who are permitted to drink but also to this much younger group.

The ultimate measure of the highway safety impact of changing the legal drinking age on driving is accident involvement, particularly alcohol-related accident involvement of young persons. There have been significant increases for both the 18-to-20-year old group and the 16-to-17-year-old group. (23) Many of the earliest studies of this phenomenon were conducted in Michigan, where the legal drinking age was lowered to 18 in 1972. Subsequent to this change, blood-alcohol concentrations (the standard measure of alcohol in the bloodstream) increased significantly among teenage drivers as measured in

random roadside surveys.⁽⁴⁾ Concurrent with this increase in youthful drinking and driving, alcohol-related crashes among persons 18 to 20 rose 119%, while for older drivers they rose only 14%.⁽⁴⁾ Also, young drivers experienced an 88% increase in alcohol-related fatal crashes compared to an 8% to 9% increase for older drivers.⁽²⁴⁾ Later studies in Michigan noted that significant increases in alcohol-related crash involvement were found for 17 year olds. It also was noted that increases in alcohol-related crash rates for 18 to 20 year olds were more pronounced than the increase normally experienced by 21 year olds when they were allowed alcohol and the effects did not wear off as they had with persons who were 21.^(25,26) From these data, it would appear that drinking and driving behavior among persons 18 to 20 approximates and sometimes surpasses that for older drivers, and does not decline over time.⁽¹⁾ Similar findings have been noted in other states, such as Illinois,⁽²⁷⁾ Wisconsin,⁽²⁸⁾ and Massachusetts, where vehicle "operation after drinking" fatalities increased 75% after passage of the drinking age amendment and where this legislative change accounted for 5 additional fatalities per month for 18-to-20-year-old drivers.^{(14,29)*} Only one study found less significant increases in crash rates after enfranchisement. In an area where the drinking privileges for young persons were extended from only beer to all alcoholic beverages, alcohol-related fatalities increased in proportion to all crash experiences for persons 18 to 20, while no increases were found for older drivers.⁽³¹⁾ It was hypothesized that this effect was subtle because the major impact of lowering the drinking age had already been experienced.

Increases in crash rates for young persons attributable to changes in the legal drinking age have also been noted in other countries, in particular in Ontario, Canada,^(23,32) where there was as much as a fourfold increase in the alcohol-related crash involvement of 18 year olds after the enactment of legislation.⁽¹³⁾ These results are presented in Table 2. The largest increases in alcohol-related crashes occurred for persons 18 and 19 years old, followed by those for persons who were 16 or 17. No such dramatic increase was noted for the control group, which was made up of 24 year olds. There appeared to be considerable "spillover" of the effect of reducing the drinking age from persons 18 to 20 to those who were younger. Fatal crashes increased significantly for persons 16 to 17, and arrests for driving under the influence increased more for persons under 18 years than for persons 18 to 20. Finally, it was

*It is interesting to note that in 1978 the Michigan legislature raised the legal drinking age to 21 years, based in part on studies confirming the effect on teenage drinking, driving, and collision involvement. Political attacks have thus far failed to result in a re-lowering of the Michigan drinking age.⁽³⁰⁾

TABLE 2

PERCENTAGE INCREASES IN CRASH INVOLVEMENT AFTER REDUCING
THE LEGAL DRINKING AGE — ONTARIO, CANADA

	<u>Age Groups</u>				
	<u>16-17</u>	<u>18</u>	<u>19</u>	<u>20</u>	<u>24</u>
Increase in Alcohol Crash Involvement	304	469	445	187	54
Increase in Proportion of Alcohol-Related Crashes					20
		172			

Source: Reference 1.

noted that this trend involving underage drinking tends to become more severe for the first several years after passage of legislation as the effects "filter down" to this younger age group.⁽¹⁾

These studies indicate that lowering the legal drinking age has resulted in serious accident problems for young persons. However, it has been argued that these deleterious effects are actually a manifestation of some previously existing trend or are caused by some aspect of the highway safety environment other than the lowered drinking age. This question has been extensively studied by comparing crash trends in states where drinking ages were reduced to trends for similar states where they were not. Theoretically, since these states are more or less equivalent in aspects other than drinking age, any differences in crash rates and trends could be attributable to the lowered drinking age. Several studies have documented such differences. Douglass et al., in a number of studies of various aspects of the drinking age problem, found consistent increases in alcohol-related crash involvement for newly legalized 18 to 20 year olds in states where drinking laws were changed, but not for older drivers and not for young drivers in states where the drinking ages were not changed.^(21,33,34,35,36) (The only exception to this in the Douglass studies was the state of Vermont, where no significant increase in crashes was noted. It was speculated that since Vermont was a border state to three states that previously had lowered their legal drinking ages, including New York, where drinking had always been legal at 18, it experienced a change in drinking habits prior to the time its drinking age law was amended.⁽³³⁾) Through interpolation, Douglass projected that the changes in drinking age

were responsible for 4,600 more crashes and 89 more fatal crashes resulting in one or more deaths between 1972 and 1975.⁽²¹⁾ In Illinois, where the drinking age was lowered to 19, persons 19 to 20 years old were involved in 62% more crashes than persons in states where drinking ages had not been reduced. Researchers hypothesized that the change in the drinking law contributed to an increase of 41 alcohol-related crashes and 44 fatalities in 1975.⁽²⁷⁾ Williams discovered similar trends in Ontario, Wisconsin, and Michigan in comparing their crash rates to those for states where drinking ages remained unchanged.⁽²⁸⁾ Also, Williams noted that crash rates increased for 15 to 17 year olds in reduced-drinking-age states but not in others, again confirming the existence and validity of the spillover effect.

A number of conclusions can be drawn from these studies. First, they have demonstrated that reducing the minimum legal drinking age has had an adverse effect on the crash involvement and accident-related death rate for young persons through increased consumption of alcohol (primarily beer) and increases in the incidence of drinking and driving. Second, this adverse effect on crash involvement extends to children as young as 15 years old, while the increased consumption of alcohol extends to children as young as 13. Third, through application of these study findings to Virginia, it would be expected that increases in both alcohol consumption and crash involvement would have occurred in Virginia as a result of lowering the legal drinking age for beer to 18.

Analysis of Virginia Data

To test the above stated hypothesis, Virginia crash data for the period from 1969 to 1979 were examined. These data were derived from the Virginia State Police crash tape and were broken down by whether the crash was alcohol-related and by the age of the driver. With regard to age, the classifications used were not ideal; age groups were (1) less than 16 years, (2) 16 to 19 years, and (3) 25 years and older (the 20-to-24-year-old group was omitted because it contained persons 21 and older who were able to drink both before and after the age change). While this age breakdown allowed for the discrimination between young, newly enfranchised drivers and older drivers, it did not allow the discrimination of persons 18 and over who could purchase beer and those who were underage (16 to 17). Thus, it was not possible to detect any spillover effects from lowering the drinking age on this age group. It should also be recognized that since the 16-to-19-year-old age group contained both persons who could legally drink and those who could not, the effect of changing the drinking age was underestimated in the analysis.

For each group, a time series analysis was conducted. Historical trends were generated based upon crash data from 1969 to 1973. This pre-reduced drinking age trend was then projected into the period following the change in the drinking age to provide some idea of what crash patterns would have existed had no change been made. Significant differences between the projection of historical trends from 1974 through 1979 and the actual crash patterns for that period could be a result of lowering the drinking age. It would also be expected, if the reduced drinking age had had an effect on traffic safety, that alcohol-related accidents for teenagers would be found to have increased more than expected while non-alcohol-related ones would not.

As seen in Table 3, these hypotheses were borne out. Beginning in 1974, at which time drinking beer at 18 was legal for half the year, the numbers of alcohol-related crashes increased significantly more than would have been expected based on previous trends. (These increases in crashes for teenagers are especially serious in light of the fact that alcohol-related crashes for their adult counterparts actually decreased significantly during this period.) Rather than tapering off, these increases in alcohol-related crashes continued through 1979. The percentage of teenage crashes that were alcohol-related also increased more dramatically than would have been expected had the drinking age not been reduced, as did the percentage of all accidents and all alcohol accidents incurred by this group. All of this information indicates that something which happened in 1974 significantly and consistently caused teenagers to experience increased accident involvement.

A similar analysis was conducted for persons 15 years and under. As seen in Table 4, only two significant increases were noted. The percentage of all crashes involving persons less than 16 years old was significantly higher than expected in 1975, the first full year of the reduced drinking age, as was the percentage of crashes for this age group that were alcohol-related. Although these findings are suggestive, it must be concluded that for the period studied there was no consistent or significant effect of reducing the drinking age on drivers under 16.

Similar crash statistics for persons 25 years and older appear in Table 5. In 1974 and 1975, the numbers of both alcohol-related and non-alcohol-related crashes decreased significantly compared to pre-1974 trends. This most likely occurred due to the energy crisis. It is interesting to note that while the energy crisis reduced the numbers of crashes among older drivers, it did not prevent the dramatic increase in alcohol-related crashes among teenagers. It is also possible that had there been no energy crisis in 1974-1974, the increases in teenage alcohol-related crashes might have been much greater. By 1978, the decreasing trends in the numbers of adult crashes had reversed themselves, and there were more alcohol and

non-alcohol-related crashes than would have been expected had there been no energy crisis. The percentage of all adult crashes that were alcohol-related increased slightly but significantly in 1974 and 1975, indicating that the energy crisis reduced non-alcohol-related crashes more than alcohol-related ones. Why these drinking and driving crashes proved so resistant to the beneficial effect of the energy crisis is unknown.

Comparisons of adult and teenage accident statistics with relation to the change in the legal drinking age are quite revealing. The absolute numbers of alcohol-related accidents for both groups appear in Figure 1. Clearly, adult drivers had more drinking and driving crashes; however, whereas the number of adult alcohol-related accidents decreased about the time the drinking age was lowered, the number of such crashes involving young persons began increasing at a faster rate. With regard to the percentage of all crashes for each age group that were alcohol-related, Figure 2 shows that while a smaller percentage of accidents involving young persons were alcohol-related before the change in the drinking age, youths experienced a higher percentage of alcohol-related crashes than did adults after the change. Young persons continue to have a higher percentage of alcohol-related crashes than do their older counterparts.

TABLE 3

CRASH STATISTICS FOR PERSONS 16 TO 20 YEARS OLD
1969-1979 (EXCLUDING 1977)

Year	No. Alcohol-Related Crashes	No. Non-Alcohol- Related Crashes	% Crashes Which Are Alcohol- Related	% of All Alcohol- Related Crashes	% of All Crashes
1969	1,535	16,492	8.51	10.88	0.693
1970	1,406	17,226	7.55	10.09	0.607
1971	1,614	20,145	7.43	11.14	0.659
1972	1,732	23,228	6.94	11.39	0.652
1973	1,904	24,335	7.26	12.53	0.711
1974	2,603*	22,757	10.27*	16.43*	1.061*
1975	2,970*	20,094	10.36*	18.80*	1.376*
1976	3,508*	30,350	—	18.25*	1.543*
1977	—	—	10,51*	—	—
1978	4,122*	35,715	12.10*	18.04*	1.775*
1979	4,310*	31,307	—	14.43*	1.979*

*Significantly higher than expected given previous trends, $p < .05$

TABLE 4
CRASH STATISTICS FOR PERSONS UNDER 16 — 1969-1979
(EXCLUDING 1977)

Year	No. Alcohol-Related Crashes	No. Non-Alcohol- Related Crashes	% Crashes Which Are Alcohol- Related	% of All Alcohol- Related Crashes	% of All Crashes
1969	18	339	5.04	0.128	0.8
1970	13	284	4.38	0.093	0.6
1971	20	348	5.43	0.138	0.8
1972	37	552	6.28	0.243	1.4
1973	26	397	6.15	0.171	1.0
1974	46	656	6.55	0.290	1.9
1975	63	572	9.92*	0.399	2.9*
1976	50	490	9.26	0.260	2.2
1977	--	--	--	--	--
1978	52	769	6.33	0.319	2.6
1979	57	734	7.21	0.396	2.2

*Significantly higher than expected based on previous trends,
p < .05.

TABLE 5
CRASH STATISTICS FOR PERSONS 25 YEARS AND OLDER
1969-1979 (EXCLUDING 1977)

Year	No. Alcohol-Related Crashes	No. Non-Alcohol- Related Crashes	% Crashes Which Are Alcohol- Related	% of All Alcohol- Related Crashes	% of All Crashes
1969	8,964	66,005	11.96	65.54	4.045
1970	9,103	69,879	11.53	65.34	3.929
1971	9,344	75,725	10.98	65.49	3.816
1972	9,890	82,149	10.74	65.07	3.721
1973	9,781	82,254	10.63	64.36	3.657
1974	9,739*	73,908*	11.64**	61.47*	3.971
1975	8,990*	63,016*	12.48**	56.91*	4.164
1976	10,980	100,816	9.82	57.11	4.829
1977	--	--	--	--	--
1978	12,792**	121,418**	9.53	56.36	5.508
1979	12,971**	113,368**	10.27**	55.01	5.956

*Significantly lower than expected based on previous trends,
p < .05.

**Significantly higher than expected based on previous trends,
p < .05.

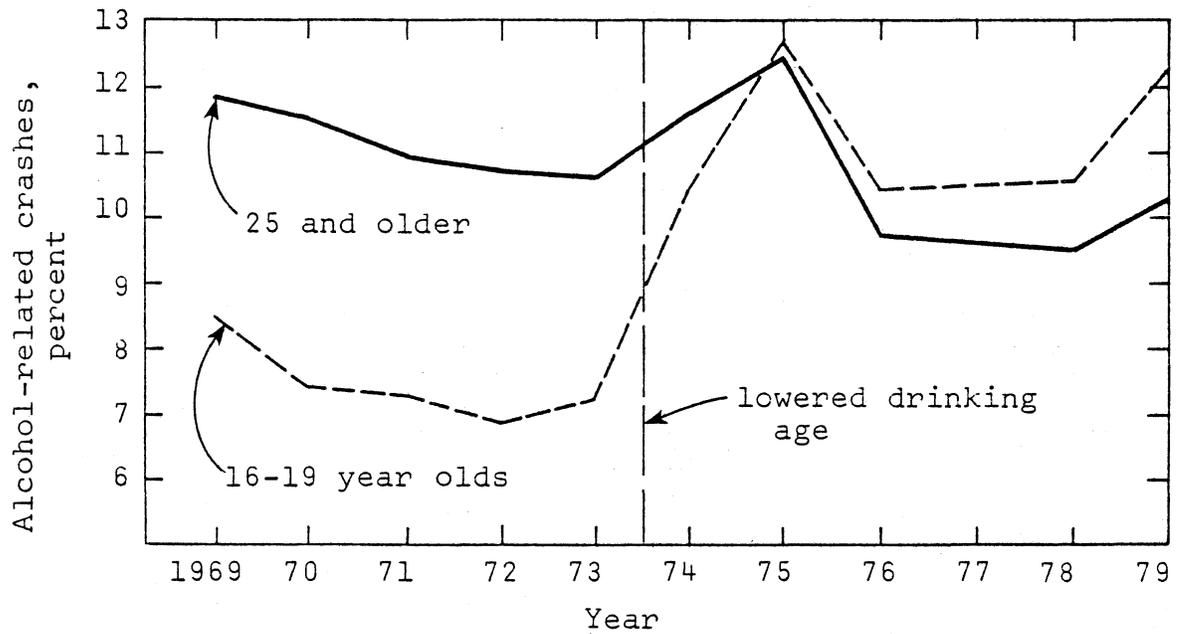


Figure 1. Percentage of alcohol-related crashes over time for young and older drivers.

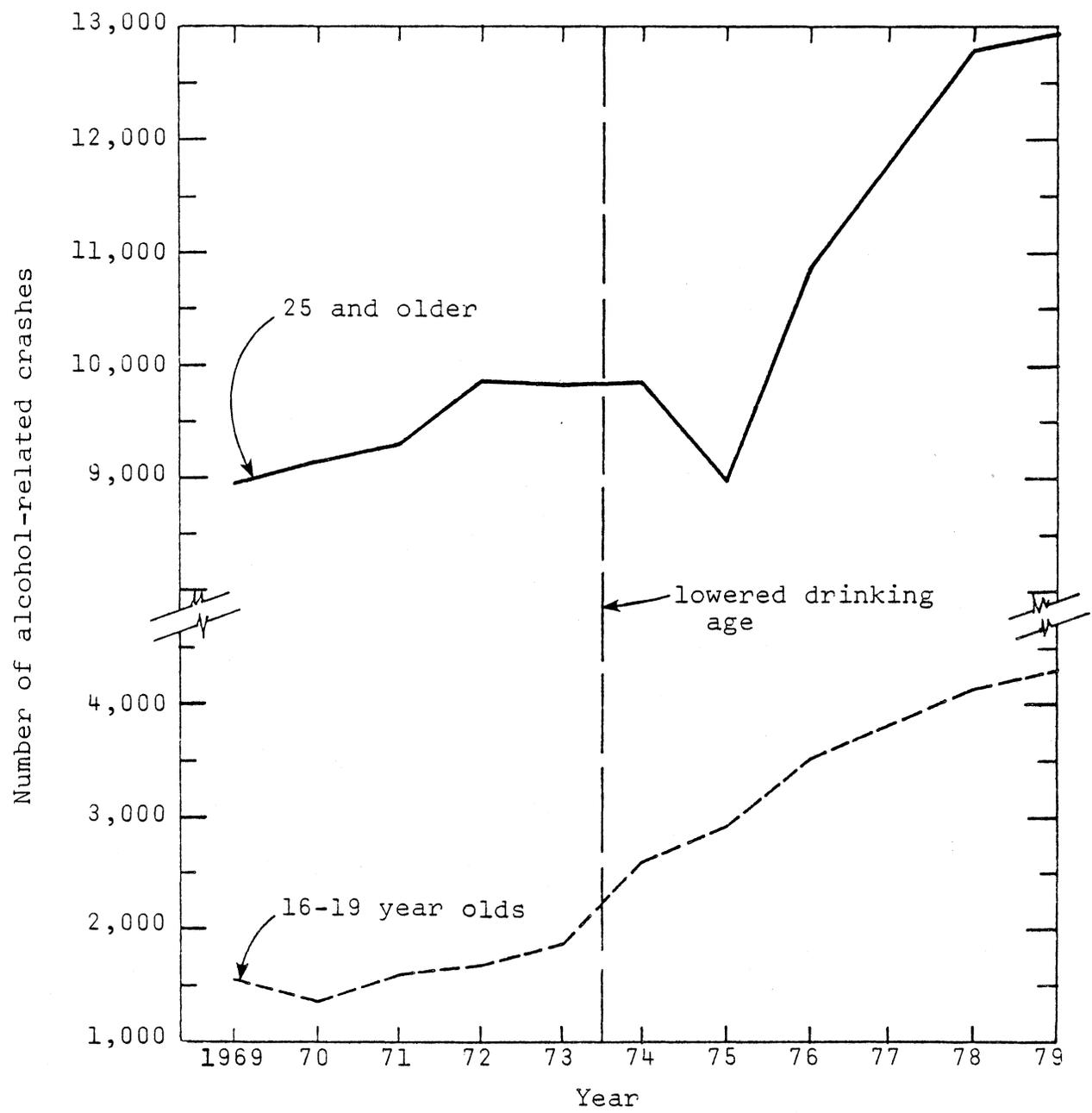


Figure 2. Numbers of alcohol-related crashes over time for youthful and older drivers.

FINDINGS AND CONCLUSIONS

In summary, the adverse impact on driving of reducing the drinking age has been well documented in both the United States and Canada. The consumption of alcohol, particularly the consumption of draught beer, has risen significantly among the newly enfranchised drinkers and among their younger cohorts. Further, these beverages are most often being consumed at restaurants and taverns, which indicates that young persons are most likely driving to and from these drinking spots. These young drivers, because of curfews which still apply to them, "do not have the advantage of staying out until the alcohol has been eliminated from their systems . . . [Also] the younger the drinker, the less likely he or she is to be able to recognize personal limits, and the more likely they are to be drinking in situations where peer pressure leads to excess."⁽³⁷⁾ Since it takes very little alcohol to increase a young person's chance of being killed in a motor vehicle accident, and since young persons tend to mix psychoactive drugs and alcohol more often than do adults, these increases in alcohol consumption and driving are indicators of a serious problem.

Serious increases in alcohol-related motor vehicle accident involvement as well as increases in teenage fatalities have been noted for young persons in states where drinking ages have been reduced. No increases have been noted for older drivers, who are unaffected by the legislative change, nor in states that have not lowered their drinking ages. In Virginia alone, the reduced drinking age contributed to an increase of over 600 alcohol-related crashes among drivers 16 to 19 years old during the first six months that the new legislation was in effect, and during the next two years the reduced drinking age contributed to an increase of about 2,900 alcohol-related crashes for this group. It is not known how many of these crashes were fatal, but it can be safely said that each crash resulted in some sort of emotional or financial hardship to the teenagers involved or to their parents.

It is clear from this analysis that from the safety standpoint alone, a more protective stand toward 18 to 20 year olds, and their underage cohorts, should be taken. The most protective stance, of course, would be to raise the legal drinking age to 21 as soon as possible; this, however, would involve disenfranchising young persons who currently have the right to purchase beer in the Commonwealth, and may be politically infeasible.

In a discussion of the social implications of youthful drinking, Whitehead et al. address the overall problem with several interesting legislative suggestions, including the lowering of the presumptive limit to a blood-alcohol concentration of 0.04% for youthful driver

in light of the low tolerance levels of young people and the increasing use of marijuana with alcohol. With specific reference to the change in the legal drinking age, it has been suggested that the most acceptable solution is to

raise the drinking age in areas where it has already been lowered and to retain the current legal age in areas where it remains unchanged. Raising it to age 19 for the time being would be less disruptive and perhaps more effective than reverting to age 21 immediately. This approach would virtually eliminate legal drinking among secondary school students and hence the effect of their drinking behavior on their underage schoolmates. Further increases, if desired, could be staged in single-year increments to make the change more palatable to members of the target group. Both fairness and the appearance of fairness would be enhanced.(5)

What is to be expected from such a change in the legal drinking age? Intuitively, it would be expected that raising the legal drinking age in yearly increments would result in stepwise decreases in alcohol-related accidents. In Michigan, which raised its legal drinking age first to 19 and then to 21 in 1978, significant improvements in the crash experiences of young persons were noted after the drinking ages were raised.(38) However, raising the legal drinking age cannot be expected to solve all the alcohol-related safety problems of this age group. Many factors that affect drinking behavior have changed during the six years since the drinking age was lowered, as is evidenced by the increase in alcohol-related accidents for adults in 1978 and 1979. While it has been shown that lowering the legal drinking age in 1974 was responsible for increases in the youth crash problem at that time, changes in the economy, which may be correlated with the drinking behavior of adults; changes in the pressures on young persons; and changes in drug use patterns are only three of many factors that have since compounded this problem. Additionally, it may be impossible to reverse the poor drinking habits learned through early access to alcohol which exist among adults who are enfranchised at 18, since crash rates for these persons tend to increase at 18 and to stay at those higher levels. In any case, it is expected that raising the legal drinking age will result in a dramatic reduction in the involvement of young persons in alcohol-related crashes, but it is not expected that the rates of involvement will return to pre-1974 levels for persons 18 to 20.

RECOMMENDATIONS

Based upon this analysis, it is recommended that the Department of Transportation Safety support legislation to raise the legal drinking age in Virginia. Still in question, however, is what particular type of legislation is preferred. House Bills Nos. 188 and 133 (see Appendix), which were introduced during the last session of the General Assembly and were carried over for consideration this session, would raise the legal drinking age to 19, and 21, respectively. While these bills are more than adequate from a legal standpoint, both have drawbacks. While immediately raising the legal drinking age to 21 represents the ultimate safety goal with regard to this problem and would do the most to protect young persons, it would involve disenfranchising a large number of young voters. However, raising the legal drinking age to 19 this year would still require legislative action in subsequent General Assembly sessions to bring it up to 21 years. In addition, neither bill stipulates that the effect of raising the legal drinking age be evaluated, an important step in justifying this action. Ideally, the Department of Transportation Safety should most strongly support the amendment of proposed legislation to include the following provisions:

1. That the legal drinking age be raised incrementally in July of each of the next three years, so that the drinking age would become 19 years in 1981, 20 years in 1982, and 21 years in 1983. In this way, no group would be disenfranchised and the ultimate goal of returning the legal drinking age to 21 would be assured.
2. That an evaluation of the effects of raising the legal drinking age be required to ensure that this move accomplishes the purpose of improving the highway safety environment for young persons.

If at all possible, this type of legislation should be most actively pursued. However, should these suggestions not be incorporated into current legislation, it is recommended that the Department support legislation raising the legal drinking age to 19 years in 1981, and then encourage additional legislative action in subsequent General Assembly sessions to raise the legal drinking age to 21 years.

REFERENCES

1. Whitehead, P. C., "Alcohol and Young Drivers: Impact and Implications of Lowering the Drinking Age," Monograph Series Number 1, Research Bureau, Department of Health and Welfare, London, Ontario, Canada (November 1977).
2. Popham, R. E., Schmidt, W., and deLint, J., "The Effects of Legal Restraint in Drinking," (In Kissin and Begleiter, The Biology of Alcoholism, vol. 4, New York, 1976).
3. Blacker, E., "Sociocultural Factors in Alcoholism," International Psychiatry Clinic, vol. 3, no. 2 (Summer 1966).
4. Hammond, R. L., "Legal Drinking at 18 or 21 - Does It Make Any Difference?," Journal of Alcohol and Drug Education, vol. 18, no. 3 (Spring 1973).
5. Whitehead, P. C., and Terrence, R. G., "Alcohol Accident Involvement," Journal of Safety Research, vol. 8, no. 2 (June 1976).
6. Warren, R. A., "Total Risk Impairment Factors," Traffic Injury Research Foundation of Canada, Ottawa (1976).
7. Pelz, D. C., and Schuman, S. H., "Are Young Drivers Really More Dangerous After Controlling for Exposure and Experience?," Journal of Safety Research, vol. 3, no. 2 (June 1971).
8. "Drinking, Hostility and Alienation in Driving of Young Men," National Institute of Alcoholism and Alcohol Abuse, Washington, D. C., (June 1973).
9. Zylman, R., "Age is More Important Than Alcohol in the Collision-Involvement of Young and Old Drivers," Journal of Traffic Safety Education, vol. 20 (1972).
10. Leroy, D., "Young People and Alcohol, The 'Youth' Factors in Road Accidents," Journal of Alcoholism, vol. 9 (1974)
11. Zylman, R., "Drinking and Driving After It's Legal to Drink at 18: Is the Problem Real?," Journal of Alcohol and Drug Education, vol. 20 (1974).
12. Forney, R. B., "The Combined Effects of Ethanol and Other Drugs," Highway Safety Research Institute, University of Michigan, Ann Arbor (1967).

13. Whitehead, P. C., Craig, J., Langford, N., MacArthur, C., Stanton, B., and Terrence, R. G., "The Impact of the Change in the Drinking Age on Collision Behavior of Young Drivers," Journal of Studies on Alcohol, vol. 36 (1975).
14. Cucchiaro, S., Ferreira, J., and Sicherman, A., "The Effect of the 18-Year Old Drinking Age on Auto Accidents," Massachusetts Institute of Technology, Operations Research Center and Laboratory of Architecture and Planning (1974).
15. Smart, R. G., "Marijuana and Driving Risk Among College Students," Journal of Safety Research, vol. 6, no. 4 (December 1974).
16. Smart, R. G., Feiger, D., Smith, D., and White, J., "Trends in Drug Use Among Metropolitan Toronto High School Students," Addiction Research Foundation, Toronto, Canada (1975).
17. Waller, J. A., Lamborn, K. R., and Stefferhagen, R. A., "Marijuana and Driving Among Teenagers: I. Use of Marijuana and Other Drugs," University of Vermont, Burlington (1973).
18. Wolfe, A. C., and Chapman, M. M., "An Analysis of Drinking and Driving Survey Data," HIT Lab Reports, vol. 4, no. 4 (December 1973).
19. Smart, R. G., and Finley, J., "Changes in Drinking Age and Per Capita Beer Consumption in 19 Canadian Provinces," Addiction Research Foundation, Substudy 641, Toronto (1974).
20. Smart, R. G., and Schmidt, W., "Drinking and Problems From Drinking After a Reduction in the Minimum Drinking Age," British Journal of Addiction, vol. 70 (1975).
21. Douglass, R. L., and Freedman, J. A., "Alcohol Related Casualties and Alcohol Beverage Market Response to Alcohol Beverage Availability Policies in Michigan," Highway Safety Research Institute, Ann Arbor (August 1977).
22. Perrine, M. W., Waller, J. A., and Harris, L. S., "Alcohol and Highway Safety: Behavioral and Medical Aspects," NHTSA Technical Report, DOT-HS-800-599, Washington (1971).
23. Schmidt, W., and Kornaczewski, A., "The Effect of Lowering the Legal Drinking Age in Ontario on Alcohol-Related Motor Vehicle Accidents," Proceedings, 6th International Conference on Alcohol, Drugs, and Traffic Safety, Toronto, Canada (September 1974).
24. "MICAP RECAP", Report Number 35, Michigan Council on Alcohol Problems, Lansing (August 1973).

25. Filkins, L. D., Flora, J. D., and Compton, C. P., "Michigan's Eighteen-Year Old Legal Drinking Age, Its Impact on Young Crash Involvement," Michigan Department of State Police, Office of Highway Safety Planning (February 1977).
26. Flora, J. D., Filkins, L. D., and Compton, C. P., "Alcohol Involvement in Michigan Fatal Accidents: 1968-1976," UM-HSRI-78-16, Highway Safety Research Institute, Ann Arbor, Michigan (March 1978).
27. Mills, M. H., "Assessment of the Effect on Traffic Safety of Lowering the Legal Drinking Age in Illinois," Department of Transportation, Division of Traffic Safety (November 1977).
28. Williams, F. F., Rich, R. F., Zador, P. L., and Robertson, L. S., "The Legal Minimum Drinking Age and Fatal Motor Vehicle Crashes," The Journal of Legal Studies, vol. 4, no. 1 (January 1975).
29. Ferreira, J., and Sicherman, A., "The Impact of Massachusetts' Reduced Drinking Age on Auto Accidents," Accident Analysis and Prevention, vol. 8, no. 4 (December 1976).
30. Highway and Vehicle Safety Report, vol. 7, no. 4 (November 11, 1980).
31. Naor, E. M., and Nashold, R. D., "Teenage Driver-Fatalities Following Reduction in the Legal Drinking Age," Journal of Safety Research, vol. 7, no. 2 (June 1975).
32. Whitehead, P. C., Craig, J., Langford, N., MacArthur, C., Stanton, B., and Terrence, R. G., "Change in the Legal Drinking Age: Impact on Young Drivers," Journal of Studies on Alcohol, vol. 36 (September 1975).
33. Douglass, R. L., and Filkins, L. D., "The Effect of Lower Legal Drinking Ages on Youth Crash Involvement," National Highway Traffic Safety Administration, Washington (March 1974).
34. Douglass, R. L., "The Consequences of Lower Legal Drinking Ages on Alcohol-Related Crash Involvement of Young People," Journal of Traffic Safety Education (January 1977).
35. _____, "Results of a Legal Impact Study: The Lower Legal Drinking Age and Youth Crash Involvement," HIT Lab Reports, vol. 5, no. 2 (October 1974).

36. Douglass, R. L., Filkins, L. D., and Flora, J. D., "Design Issues of a Legal Impact Study: The Lower Legal Drinking Age and Youth Crash Involvement," HIT Lab Reports, vol. 4, no. 10 (June 1974).
37. Lazar, J. C., and Lazar, J., "Youthful Drunk Drivers: A Mushrooming Crisis," Proceedings, American Association of Automotive Medicine (November 1976).

APPENDIX

HOUSE BILLS NO. 188 AND 133

1 (h) Knowingly, employs in the business conducted under such license, as agent, servant,
2 or employee, any person who has been convicted of a felony or of any crime or offense
3 involving moral turpitude in any court, or who has violated the laws of this State, or of
4 any other state, or of the United States of America, applicable to the manufacture,
5 transportation, possession, use or sale of alcoholic beverages.

6 (i) Has demonstrated by his police record subsequent to the issuance of his original
7 license a lack of respect for law and order.

8 (j) Has allowed the consumption of alcoholic beverages upon the licensed premises by
9 any person whom he knew or had reason to believe was (1) less than twenty-one years of
10 age, or (2) an interdicted person, or (3) an intoxicated person, or has allowed any person
11 whom he knew or had reason to believe was intoxicated to loiter upon such licensed
12 premises, or has allowed the consumption of beverages, as defined in chapter 2 (§ 4-99 et
13 seq.) of this Title 4, by any person whom he knew or had reason to believe was (1) less
14 than ~~eighteen~~ *twenty-one* years of age, or (2) an intoxicated person.

15 (k) Has allowed any person to consume upon the licensed premises any alcoholic
16 beverages except as provided under this chapter.

17 (l) Is physically unable to carry on the business conducted under such license or has
18 been adjudicated incompetent.

19 (m) Has allowed any lewd, obscene or indecent literature, pictures or materials upon
20 the licensed premises.

21 (n) Has possessed any illegal gambling apparatus, machine or device upon the licensed
22 premises.

23 (2) That the place occupied by the licensee:

24 (a) Does not conform to the requirements of the governing body of the county, city, or
25 town, in which such place is located, with respect to sanitation, health, construction, or
26 equipment, or to any similar requirements established by the laws of this State or by the
27 regulations of the Commission.

28 (b) Has been adjudicated a common nuisance under the provisions of this chapter.

29 (c) Has become a meeting place or rendezvous for users of narcotics, drunks,
30 homosexuals, prostitutes, pimps, panderers, gamblers, or habitual law violators. The
31 Commission may consider the general reputation in the community of such place in
32 addition to any other competent evidence in making such determination.

33 For the purposes of this section, "premises" or "place" shall mean the real estate,
34 together with any buildings or other improvements thereon, designated in the application
35 for a license as the place at which the manufacture, bottling, distribution, use or sale of
36 alcoholic beverages shall be performed, except that portion of any such building or other
37 improvement actually and exclusively used as a private residence as defined in § 4-2.

38 (3) That any cause exists for which the Commission would have been entitled to refuse
39 to issue such license had the facts been known; and the Commission may likewise suspend
40 or revoke any license for any other cause designated by this chapter.

41 (b) Notice and hearing. - Before the Commission may suspend or revoke any license
42 issued under the provisions of this chapter, at least ten days' notice of such proposed or
43 contemplated action by the Commission shall be given to the licensee affected. Such notice
44 shall be in writing, shall contain a statement in detail of the grounds or reasons for such

1 proposed or contemplated action of the Commission, and shall be served on the licensee as
2 other notices are served, or by sending the same to such licensee by registered mail to his
3 last known post-office address. The Commission shall in such notice appoint a time and
4 place when and at which the licensee shall be heard as to why his license should not be
5 suspended or revoked. The licensee shall at such time and place have the right to produce
6 evidence in his behalf and to be represented by counsel.

7 (c) [Repealed.]

8 (c1) Payment of costs or monetary penalties. - The Commission in suspending any
9 license may impose, as a condition precedent to the removal of such suspension or any
10 portion thereof, a requirement that the licensee pay the cost incurred by the Commission
11 in investigating the licensee and in holding the proceeding resulting in such suspension, or
12 it may impose a monetary penalty not to exceed one thousand dollars for the first offense,
13 a monetary penalty not to exceed two thousand five hundred dollars for the second
14 offense, a monetary penalty not to exceed five thousand dollars for the third offense in
15 lieu of such suspension or any portion thereof, or both after the enactment hereof.

16 (c2) Offers in compromise. - Following notice to the licensee of a hearing which may
17 result in the suspension or revocation of his license, the Commission in its discretion may
18 accept from the licensee an offer in compromise to pay a monetary penalty not exceeding
19 five thousand dollars, either in lieu of suspension or in addition thereto, or in lieu of
20 revocation.

21 (d) Review. - The action of the Commission in suspending or revoking any license
22 pursuant to the provisions of this chapter shall be subject to judicial review upon petition
23 to the Circuit Court of the city of Richmond, city of Norfolk, city of Roanoke, or county of
24 Fairfax, whichever is nearest to the city or county of the petitioner, which petition shall be
25 filed within thirty days from the entry of the order of the Commission suspending or
26 revoking such license. Provided, however, that upon the judicial review of a suspension
27 such review or appeal shall be limited to the evidential record of the proceedings provided
28 by the agency. The filing of such petition shall not operate to stay any such order of the
29 Commission suspending or revoking any license; provided, however, that in the case of
30 suspension, the court may, in its discretion, grant a stay of such order of the Commission
31 until a hearing has been held by the court upon the issue. If such stay is granted, the
32 court, in granting it, may require as a condition thereto that the petitioner comply with all
33 the regulations of the Commission, and specifically any regulation which the petitioner has
34 been charged with violating. The jurisdiction of the Circuit Court shall be limited in any
35 case involving such petition to the record of the proceedings before the Commission. An
36 appeal shall lie to the Supreme Court of Virginia from any order of the court. Neither
37 mandamus nor injunction shall lie in any such case.

38 (e) Disposition of beverages on hand. - Alcoholic beverages, other than beer, owned and
39 in possession, or owned or in possession, for sale, by or of any licensee at the time the
40 license of any such person is suspended or revoked as herein provided, may be sold by
41 such person to the Commission at such price or prices and upon such terms as may be
42 agreed upon by the Commission and such person, or may, upon permits issued by the
43 Commission and upon such conditions as the Commission may specify be sold to persons in
44 Virginia licensed to sell such alcoholic beverages or may, upon permits issued by the

1 Commission, be sold to persons outside of Virginia for resale outside of Virginia, except
2 that no deliveries or shipments shall be made into any state the laws of which prohibit the
3 consignee from receiving or selling the same.

4 Beer owned and in possession, or owned or in possession, for sale, by or of any
5 licensee at the time the license of such person is suspended or revoked as provided herein,
6 may upon permits of the Commission and upon payment of any excise tax due thereon be
7 sold to any person authorized to purchase the same for resale.

8 Alcoholic beverages owned and in possession, or owned or in possession, for sale, by or
9 of persons whose licenses have been terminated otherwise than by suspension or revocation
10 may dispose of the same in accordance with the foregoing provisions of this section within
11 such time as the Commission, in its discretion, may deem proper under the circumstances;
12 provided such period shall not be less than sixty days.

13 All such alcoholic beverages owned by or in possession of any person whose license is
14 suspended or revoked, as provided herein, shall be disposed of by such person in
15 accordance with the provisions of this section within a period of sixty days from the date
16 of such suspension or revocation. All such alcoholic beverages owned by or in possession of
17 any person whose license is terminated otherwise than by suspension or revocation, shall
18 be disposed of by such person in accordance with the provisions of this section within the
19 period allowed by the Commission. All such alcoholic beverages owned by or remaining in
20 the possession of any such person, after the expiration of such period shall be deemed
21 contraband and forfeited to the Commonwealth in accordance with the provisions of § 4-55.

22 § 4-62. Persons to whom alcoholic beverages may not be sold; forfeiture.—(1) If any
23 person shall, except pursuant to the provisions of §§ 4-48, 4-49 or 4-50, sell any alcoholic
24 beverages to any person and at the time of such sale shall know or have reason to believe
25 that the person to whom the sale is made is (a) less than twenty-one years of age, ~~except~~
26 ~~as to beer as provided herein~~, or (b) an interdicted person, or (c) an intoxicated person,
27 he shall be guilty of a misdemeanor. ~~If a person shall sell beer to another person and at~~
28 ~~the time of such sale shall know or have reason to believe that the person to whom the~~
29 ~~sale is made is less than eighteen years of age, he shall be guilty of a misdemeanor.~~

30 (2) If any person to whom an alcoholic beverage may not lawfully be sold under this
31 section shall purchase or possess any alcoholic beverage, except pursuant to the provisions
32 of §§ 4-48, 4-49 or 4-50, he shall be guilty of a misdemeanor. Any alcoholic beverage
33 purchased or possessed in violation of this section shall be deemed contraband and
34 forfeited to the Commonwealth in accordance with the provisions of § 4-55.

35 (3) The provisions of this subsection shall not be applicable to the possession of
36 alcoholic beverages by a person less than twenty-one years of age making a delivery of
37 alcoholic beverages in pursuance of his employment or an order of his parent.

38 § 4-63. Persons by whom alcoholic beverages may not be sold or served for on-premises
39 consumption.—(a) It shall be unlawful for any person to permit anyone employed by him
40 under the age of ~~eighteen~~ *twenty-one* years to sell, serve or dispense in any manner
41 alcoholic beverages for on-premises consumption, except pursuant to the provisions of §§
42 4-48, 4-49 or 4-50.

43 (b) Any person found guilty of a violation of the provisions of this section shall be
44 punished as is provided for in § 4-92.

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1 § 4-112. Concealment of sales or consumption of beverages; sales to intoxicated persons
 2 or minors; forfeiture.—(a) No person licensed as a retailer under this chapter shall sell, or
 3 offer for sale, or permit the consumption of any beverages behind a screen or any other
 4 similar device in his place of business which screen or device may conceal such sale,
 5 offering for sale, or consumption from the view of persons who may be in such place of
 6 business, and not behind such screen or similar device.

7 (b) If any person shall, except pursuant to the provisions of §§ 4-48, 4-49 or 4-50, sell
 8 any beverage as defined in this chapter to any person and at the time of such sale shall
 9 know or have reason to believe that the person to whom the sale is made is intoxicated, or
 10 is a person under ~~eighteen~~ *twenty-one* years of age, he shall be guilty of a misdemeanor.

11 (c) If any person to whom beverages may not lawfully be sold under this section shall
 12 purchase or possess any beverage, except pursuant to the provisions of §§ 4-48, 4-49 or
 13 4-50, he shall be guilty of a misdemeanor. Any beverage purchased or possessed in
 14 violation of this section shall be deemed contraband, forfeited to the Commonwealth and
 15 destroyed.

16 The provisions of this subsection shall not be applicable to the possession of beverages
 17 by a person under ~~eighteen~~ *twenty-one* years of age making a delivery of beverages in
 18 pursuance of his employment or an order of his parent.

19 § 4-112.1. Purchase or possession of beverages by other person for a person under
 20 twenty-one years of age.—(a) If any person shall purchase any beverage as defined in this
 21 chapter for another person, and at the time of such purchase know or have reason to
 22 believe that the person for whom such beverage was purchased was a person less than
 23 ~~eighteen~~ *twenty-one* years of age, he shall be guilty of a misdemeanor.

24 (b) Any beverages purchased or possessed in violation of this section shall be deemed
 25 contraband, forfeited to the Commonwealth and destroyed.

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Official Use By Clerks	
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Date: _____	Date: _____
_____ Clerk of the House of Delegates	_____ Clerk of the Senate

HOUSE BILL NO. 188

Offered January 18, 1980

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A BILL to amend and reenact §§ 4-37, 4-62, 4-63, 4-112 and 4-112.1 of the Code of Virginia, which provides for suspension or revocation of licenses of alcoholic beverage licensees; persons to whom alcoholic beverages may not be sold; prohibited sales; illegal possession; penalties.

Patrons—Barry, Perper, Dillard, Pratt, Rust, Wilkins, O'Bryan, D. W., Bell, Bagley, F. C., Creekmore, Axselle, Fowler, Jones, J. S., and Sanford

Referred to the Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 4-37, 4-62, 4-63, 4-112 and 4-112.1 of the Code of Virginia are amended and reenacted as follows:

§ 4-37. Suspension or revocation of licenses; monetary penalties.—(a) Grounds for suspension or revocation. — The Commission may suspend or revoke any licenses issued by it if it has reasonable cause to believe:

(1) That the licensee, or if the licensee is a partnership or association, any partner or member thereof, or if the licensee is a corporation, any officer, director, or manager thereof or shareholder owning ten per centum or more of its capital stock:

(a) Has misrepresented a material fact in applying to the Commission for such license.

(b) Within the five years next preceding the date of the hearing, has been convicted of the violation of any law, ordinance, or regulation of this State, or of any state, or of the United States of America, or of any county, city, or town in this State, applicable to the manufacture, transportation, possession, use, or sale of alcoholic beverages, or has violated any provision of this chapter or chapter 2 (§ 4-99 et seq.), or has committed a violation in bad faith of chapter 2.1 (§ 4-118.3 et seq.) of this title, or has violated or failed or refused to comply with any regulation, rule, or order of the Commission, or has failed or refused to comply with any of the conditions or restrictions of the license issued by the Commission.

(c) Has been convicted of a felony or of any crime or offense involving moral turpitude in any court.

(d) Is not the legitimate owner of the business conducted under the license issued by the Commission, or other persons have ownership interests in the business which have not been disclosed.

(e) Has become insolvent or cannot demonstrate financial responsibility sufficient to meet adequately the requirements of the business conducted under license issued by the Commission.

(f) Has been intoxicated, as defined in this chapter, or under the influence of some self-administered drug, while upon the licensed premises.

(g) Has allowed noisy, lewd, or disorderly conduct upon the licensed premises, or has maintained such premises in an unsanitary condition, or allowed such premises to become a meeting place or rendezvous for persons of ill repute, or has allowed any form of illegal

1 gambling to take place upon such premises.

2 (h) Knowingly, employs in the business conducted under such license, as agent, servant,
3 or employee, any person who has been convicted of a felony or of any crime or offense
4 involving moral turpitude in any court, or who has violated the laws of this State, or of
5 any other state, or of the United States of America, applicable to the manufacture,
6 transportation, possession, use or sale of alcoholic beverages.

7 (i) Has demonstrated by his police record subsequent to the issuance of his original
8 license a lack of respect for law and order.

9 (j) Has allowed the consumption of alcoholic beverages upon the licensed premises by
10 any person whom he knew or had reason to believe was (1) less than twenty-one years of
11 age, or (2) an interdicted person, or (3) an intoxicated person, or has allowed any person
12 whom he knew or had reason to believe was intoxicated to loiter upon such licensed
13 premises, or has allowed the consumption of beverages, as defined in chapter 2 (§ 4-99 et
14 seq.) of this Title 4, by any person whom he knew or had reason to believe was (1) less
15 than ~~eighteen~~ *nineteen* years of age, or (2) an intoxicated person.

16 (k) Has allowed any person to consume upon the licensed premises any alcoholic
17 beverages except as provided under this chapter.

18 (l) Is physically unable to carry on the business conducted under such license or has
19 been adjudicated incompetent.

20 (m) Has allowed any lewd, obscene or indecent literature, pictures or materials upon
21 the licensed premises.

22 (n) Has possessed any illegal gambling apparatus, machine or device upon the licensed
23 premises.

24 (2) That the place occupied by the licensee:

25 (a) Does not conform to the requirements of the governing body of the county, city, or
26 town, in which such place is located, with respect to sanitation, health, construction, or
27 equipment, or to any similar requirements established by the laws of this State or by the
28 regulations of the Commission.

29 (b) Has been adjudicated a common nuisance under the provisions of this chapter.

30 (c) Has become a meeting place or rendezvous for users of narcotics, drunks,
31 homosexuals, prostitutes, pimps, panderers, gamblers, or habitual law violators. The
32 Commission may consider the general reputation in the community of such place in
33 addition to any other competent evidence in making such determination.

34 For the purposes of this section, "premises" or "place" shall mean the real estate,
35 together with any buildings or other improvements thereon, designated in the application
36 for a license as the place at which the manufacture, bottling, distribution, use or sale of
37 alcoholic beverages shall be performed, except that portion of any such building or other
38 improvement actually and exclusively used as a private residence as defined in § 4-2.

39 (3) That any cause exists for which the Commission would have been entitled to refuse
40 to issue such license had the facts been known; and the Commission may likewise suspend
41 or revoke any license for any other cause designated by this chapter.

42 (b) Notice and hearing. - Before the Commission may suspend or revoke any license
43 issued under the provisions of this chapter, at least ten days' notice of such proposed or
44 contemplated action by the Commission shall be given to the licensee affected. Such notice

1 shall be in writing, shall contain a statement in detail of the grounds or reasons for such
2 proposed or contemplated action of the Commission, and shall be served on the licensee as
3 other notices are served, or by sending the same to such licensee by registered mail to his
4 last known post-office address. The Commission shall in such notice appoint a time and
5 place when and at which the licensee shall be heard as to why his license should not be
6 suspended or revoked. The licensee shall at such time and place have the right to produce
7 evidence in his behalf and to be represented by counsel.

8 (c) [Repealed.]

9 (c1) Payment of costs or monetary penalties. - The Commission in suspending any
10 license may impose, as a condition precedent to the removal of such suspension or any
11 portion thereof, a requirement that the licensee pay the cost incurred by the Commission
12 in investigating the licensee and in holding the proceeding resulting in such suspension, or
13 it may impose a monetary penalty not to exceed one thousand dollars for the first offense,
14 a monetary penalty not to exceed two thousand five hundred dollars for the second
15 offense, a monetary penalty not to exceed five thousand dollars for the third offense in
16 lieu of such suspension or any portion thereof, or both after the enactment hereof.

17 (c2) Offers in compromise. - Following notice to the licensee of a hearing which may
18 result in the suspension or revocation of his license, the Commission in its discretion may
19 accept from the licensee an offer in compromise to pay a monetary penalty not exceeding
20 five thousand dollars, either in lieu of suspension or in addition thereto, or in lieu of
21 revocation.

22 (d) Review. - The action of the Commission in suspending or revoking any license
23 pursuant to the provisions of this chapter shall be subject to judicial review upon petition
24 to the Circuit Court of the city of Richmond, city of Norfolk, city of Roanoke, or county of
25 Fairfax, whichever is nearest to the city or county of the petitioner, which petition shall be
26 filed within thirty days from the entry of the order of the Commission suspending or
27 revoking such license. Provided, however, that upon the judicial review of a suspension
28 such review or appeal shall be limited to the evidential record of the proceedings provided
29 by the agency. The filing of such petition shall not operate to stay any such order of the
30 Commission suspending or revoking any license; provided, however, that in the case of
31 suspension, the court may, in its discretion, grant a stay of such order of the Commission
32 until a hearing has been held by the court upon the issue. If such stay is granted, the
33 court, in granting it, may require as a condition thereto that the petitioner comply with all
34 the regulations of the Commission, and specifically any regulation which the petitioner has
35 been charged with violating. The jurisdiction of the Circuit Court shall be limited in any
36 case involving such petition to the record of the proceedings before the Commission. An
37 appeal shall lie to the Supreme Court of Virginia from any order of the court. Neither
38 mandamus nor injunction shall lie in any such case.

39 (e) Disposition of beverages on hand. - Alcoholic beverages, other than beer, owned and
40 in possession, or owned or in possession, for sale, by or of any licensee at the time the
41 license of any such person is suspended or revoked as herein provided, may be sold by
42 such person to the Commission at such price or prices and upon such terms as may be
43 agreed upon by the Commission and such person, or may, upon permits issued by the
44 Commission and upon such conditions as the Commission may specify be sold to persons in

1 Virginia licensed to sell such alcoholic beverages or may, upon permits issued by the
2 Commission, be sold to persons outside of Virginia for resale outside of Virginia, except
3 that no deliveries or shipments shall be made into any state the laws of which prohibit the
4 consignee from receiving or selling the same.

5 Beer owned and in possession, or owned or in possession, for sale, by or of any
6 licensee at the time the license of such person is suspended or revoked as provided herein,
7 may upon permits of the Commission and upon payment of any excise tax due thereon be
8 sold to any person authorized to purchase the same for resale.

9 Alcoholic beverages owned and in possession, or owned or in possession, for sale, by or
10 of persons whose licenses have been terminated otherwise than by suspension or revocation
11 may dispose of the same in accordance with the foregoing provisions of this section within
12 such time as the Commission, in its discretion, may deem proper under the circumstances;
13 provided such period shall not be less than sixty days.

14 All such alcoholic beverages owned by or in possession of any person whose license is
15 suspended or revoked, as provided herein, shall be disposed of by such person in
16 accordance with the provisions of this section within a period of sixty days from the date
17 of such suspension or revocation. All such alcoholic beverages owned by or in possession of
18 any person whose license is terminated otherwise than by suspension or revocation, shall
19 be disposed of by such person in accordance with the provisions of this section within the
20 period allowed by the Commission. All such alcoholic beverages owned by or remaining in
21 the possession of any such person, after the expiration of such period shall be deemed
22 contraband and forfeited to the Commonwealth in accordance with the provisions of § 4-55.

23 § 4-62. Persons to whom alcoholic beverages may not be sold; forfeiture.—(1) If any
24 person shall, except pursuant to the provisions of §§ 4-48, 4-49 or 4-50, sell any alcoholic
25 beverages to any person and at the time of such sale shall know or have reason to believe
26 that the person to whom the sale is made is (a) less than twenty-one years of age, except
27 as to beer as provided herein, or (b) an interdicted person, or (c) an intoxicated person,
28 he shall be guilty of a misdemeanor. If a person shall sell beer to another person and at
29 the time of such sale shall know or have reason to believe that the person to whom the
30 sale is made is less than ~~eighteen~~ *nineteen* years of age, he shall be guilty of a
31 misdemeanor.

32 (2) If any person to whom an alcoholic beverage may not lawfully be sold under this
33 section shall purchase or possess any alcoholic beverage, except pursuant to the provisions
34 of §§ 4-48, 4-49 or 4-50, he shall be guilty of a misdemeanor. Any alcoholic beverage
35 purchased or possessed in violation of this section shall be deemed contraband and
36 forfeited to the Commonwealth in accordance with the provisions of § 4-55.

37 (3) The provisions of this subsection shall not be applicable to the possession of
38 alcoholic beverages by a person less than twenty-one years of age making a delivery of
39 alcoholic beverages in pursuance of his employment or an order of his parent.

40 § 4-63. Persons by whom alcoholic beverages may not be sold or served for on-premises
41 consumption.—(a) It shall be unlawful for any person to permit anyone employed by him
42 under the age of ~~eighteen~~ *nineteen* years to sell, serve or dispense in any manner alcoholic
43 beverages for on-premises consumption, except pursuant to the provisions of §§ 4-48, 4-49 or
44 4-50.

1 (b) Any person found guilty of a violation of the provisions of this section shall be
2 punished as is provided for in § 4-92.

3 § 4-112. Concealment of sales or consumption of beverages; sales to intoxicated persons
4 or minors; forfeiture.—(a) No person licensed as a retailer under this chapter shall sell, or
5 offer for sale, or permit the consumption of any beverages behind a screen or any other
6 similar device in his place of business which screen or device may conceal such sale,
7 offering for sale, or consumption from the view of persons who may be in such place of
8 business, and not behind such screen or similar device.

9 (b) If any person shall, except pursuant to the provisions of §§ 4-48, 4-49 or 4-50, sell
10 any beverage as defined in this chapter to any person and at the time of such sale shall
11 know or have reason to believe that the person to whom the sale is made is intoxicated, or
12 is a person under ~~eighteen~~ *nineteen* years of age, he shall be guilty of a misdemeanor.

13 (c) If any person to whom beverages may not lawfully be sold under this section shall
14 purchase or possess any beverage, except pursuant to the provisions of §§ 4-48, 4-49 or
15 4-50, he shall be guilty of a misdemeanor. Any beverage purchased or possessed in
16 violation of this section shall be deemed contraband, forfeited to the Commonwealth and
17 destroyed.

18 The provisions of this subsection shall not be applicable to the possession of beverages
19 by a person under ~~eighteen~~ *nineteen* years of age making a delivery of beverages in
20 pursuance of his employment or an order of his parent.

21 § 4-112.1. Purchase or possession of beverages by other person for a person under
22 nineteen years of age.—(a) If any person shall purchase any beverage as defined in this
23 chapter for another person, and at the time of such purchase know or have reason to
24 believe that the person for whom such beverage was purchased was a person less than
25 ~~eighteen~~ *nineteen* years of age, he shall be guilty of a misdemeanor.

26 (b) Any beverages purchased or possessed in violation of this section shall be deemed
27 contraband, forfeited to the Commonwealth and destroyed.

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Official Use By Clerks	
Passed By	
The House of Delegates	Passed By The Senate
without amendment <input type="checkbox"/>	without amendment <input type="checkbox"/>
with amendment <input type="checkbox"/>	with amendment <input type="checkbox"/>
substitute <input type="checkbox"/>	substitute <input type="checkbox"/>
substitute w/amdt <input type="checkbox"/>	substitute w/amdt <input type="checkbox"/>
Date: _____	Date: _____
Clerk of the House of Delegates	Clerk of the Senate

