

Try breaking this law and, well, never mind

Jim Fisher

Friday, March 13, 2009

Idaho state Rep. Jim Clark says his legislation prohibiting repeat drunken drivers from buying booze needs more work.

He can say that again.

And again.

It's hardly shocking that members of the House Judiciary Committee Clark heads Monday rejected a bill that raised several questions and answered none. The surprise is they did it by only one vote. Clark, R-Hayden Lake, asked them to approve a noble sentiment with no way to enforce it.

Originally, the bill required Idahoans with multiple convictions of driving under the influence of alcohol to be given special driver's licenses identifying them as repeat DUI offenders. Everyone who sells alcoholic beverages would then be required to check every buyer's driver's license before every transaction, and to refuse to sell to a holder of a license bearing the scarlet letter.

How would a nondriver with no license get liquor, or a visitor with an out-of-state license? That is one of the things Clark has to work on, along with raising the \$250,000 the Idaho Transportation Department says the special driver's licenses would cost.

Or rather, it was one of the things. When the Idaho Retailers Association understandably objected to the new responsibility Clark proposed assigning its members, Clark offered an amendment dropping the provision.

So how would the legislation then be enforced? That's one of the things Clark admits needs work.

Clark, who was convicted of DUI himself 10 years ago, isn't the only Idahoan concerned about the huge number of drunken driving cases that appear in courthouses throughout the state every day, or the number of automobile collisions caused by people who risk their own and others' lives by driving when they shouldn't. It seems no penalty is great enough to deter some people from such recklessness.

But a law with no enforcement mechanism is worse than no law at all. It only encourages disrespect for laws in general, and the people who write them.

And asking every grocer, liquor store employee and bartender to be the enforcement agent is asking too much. Yes, all of them are required to ensure they do not sell alcohol to minors, but that does not make it necessary to check the identification of every purchaser, which would prove irksome as well as cumbersome.

Nevertheless, Boise Republican Lynn Luker told Clark he was on the right track.

"I like this bill," Luker said, "and I like the direction it's going, but there are still some unanswered questions."

He could say that again.

And again. - J.F.