



Home

News

Sports

Entertainment

Weekly Features

Special Sections

Online Extras

Classifieds

Local • State • Wyoming • World • Nation • Business • Financial • Health • Opinion • Obituaries • On the Record • Weather

Search

Keyword Search:

Go

Past Issues
(MM/DD/YY):
 / /

Go

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December 7, 2004

Last modified December 7, 2004 - 7:28 pm

State

Alcohol-related wrecks put state in 'Fatal 15'

By **ALLISON FARRELL**
Of The Gazette Staff

HELENA - Montana's rate of alcohol-related traffic fatalities has earned the state a spot on the "Fatal 15" list being circulated by a national physician-led traffic safety advocacy group.

The group, called End Needless Death on Our Roadways, is pushing political leaders to strengthen drunk-driving laws in those 15 states where 44 percent or more of traffic fatalities have a connection to alcohol.

Montana has been listed with Connecticut, District of Columbia, Hawaii, Illinois, Kansas, Louisiana, Massachusetts, Nevada, New Mexico, North Dakota, Puerto Rico, Rhode Island, South Carolina, South Dakota, Texas and Wisconsin. The group did not rank states among the 15.

"Motorists are facing an epidemic of death on our roadways, and tragically many of these fatalities and serious injuries could have been prevented," said Dr. Andrea Barthwell, co-chair of the group and a former deputy director in the White House Office of National Drug Control Policy.

Montana does not have a law banning open containers of alcoholic beverages in vehicles. And in many counties, drinking while driving is legal. The debate over the open container law has been brewing in the Legislature in recent years.

Three bills seeking to make open containers of alcohol in vehicles illegal have already been proposed, and more bill requests could trickle in as lawmakers get ready for the session's January opening. Sen. Gary Perry, R-Manhattan, is sponsoring a bill that would make both open containers and the consumption of alcohol while driving illegal.

"I think the arguments on the other side are not logically valid any longer," Perry said. "It's not a loss of freedom. It's reason and good judgment."

The state Department of Transportation is behind the proposed law, since millions in federal highway construction dollars ride on its passage.

"Federal law requires every state to have an open container law," said Dave Galt, outgoing Department of Transportation director.

States without open container laws must transfer some of their federal highway construction dollars into highway safety programs. The 2003 Legislature's refusal to adopt an open container law is forcing the department to transfer \$5.4 million annually into highway safety programs, Galt said. The 2003 Legislature did, however, lower the legal blood alcohol limit to .08 percent and also

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strengthened the state's repeat offender laws.

"We didn't pass an open container law," Galt said. "And studies have shown that getting the open container out of the car will reduce impaired driving."

In 2000, Montana authorities reported 2,211 crashes involving an impaired driver or pedestrian. In the same year, an estimated 13,500 alcohol-related crashes in Montana killed 110 people and injured an estimated 4,600 more, according to statistics compiled by the National Highway Traffic Safety Administration.

National statistics show that last year, more than 17,000 motorists were killed nationwide in traffic crashes involving impaired drivers. December is one of the year's peak seasons for impaired driving, and young male drivers between the ages of 21 and 34 are involved in the highest number of impaired-driving crashes, the physician's group said.

The group, based in Chicago, will offer its expertise to leaders in the 15 states.

The proposed open container law also has the support of the new governor's office. Lt. Gov.-elect John Bohlinger requested an open container bill in the state Senate, and Gov.-elect Brian Schweitzer has said he'll support it.

Attorney General Mike McGrath also supports an open container law.

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