



## Underage Drinkers Ruling Highlights Weakness of Laws

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ONE OF THE major reasons South Carolina has some of the highest alcohol-related highway death rates in the country is that we have some of the weakest anti-drunken-driving laws in the country.

But last week, the state Supreme Court corrected one obvious flaw, ruling that people who let minors drink at their parties can be sued for damages if those minors later get in a wreck.

That ruling puts South Carolina in the company of 32 other states when it comes to hosts' responsibility toward minors. Unfortunately, we're still in the minority when it comes to their responsibility toward obviously intoxicated adults: In most states, hosts are potentially liable for their wrecks as well; but not here.

That's not a problem the court can address, of course. It was perfectly appropriate for the court to find that hosts can be held financially responsible in the cases involving minors; after all, they're breaking the law when they serve alcohol to kids. But whether hosts should be responsible for legally serving alcohol to adults is a question of policy, and as such it is one that can be appropriately answered only by the General Assembly and the governor, both of whom seem perfectly content with the current state of affairs.

That's not a huge deal in and of itself. While we're not convinced that it makes sense to hold bars responsible when they serve intoxicated patrons while giving friends a pass, a reasonable person could argue that adults need to take full responsibility for their own illegal activity (driving while intoxicated).

The big deal is the overall state of our drunken driving laws. In its latest report card, Mothers Against Drunk Driving gave South Carolina a grade of "D" for our overall approach to drunken driving. That tied us with three other states, and put us ahead of only Alaska, Massachusetts and Montana.

Look at our highway death rates, and it's hard to take issue with MADD's analysis: Half of the fatalities in South Carolina involve alcohol, the third-highest rate in the nation. And our highway death rate is consistently the highest or one of the highest in the nation.

That should be a clear call to action, but it goes largely unheeded. While lawmakers have made some minor improvements to our DUI law since the last ranking, they've refused to pass the common-sense laws that would make a real difference, such as setting high penalties for drivers who refuse to take a breath test and setting tougher drunkenness standards for people who have already been convicted of DUI.

The worst case in point: In 2000, the Legislature finally shed South Carolina's status as one of just two states that didn't set an absolute standard for what constituted "drunken driving," by making it illegal per se to drive with a blood-alcohol content of 0.10 percent (later changed to 0.08). But when police started trying to enforce the law, they discovered that it was so full of loopholes as to render it useless. Five years later, those loopholes still have not been closed.



The Supreme Court's ruling could help make our highways safer, by changing the way adults think about the blatantly illegal practice of serving drinks to minors. But until the Legislature starts putting highway safety ahead of the pleas of defense attorneys and other supporters of the status quo, we're going to continue to lead the nation in needless deaths.

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