

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3166/P1dn  
ARG:kjf:rs

July 27, 2005

ATTN: Representative Pettis

As discussed, the attached draft may raise constitutional concerns in imposing different penalties on different groups of people for the same legal violation. While no protected class would be involved, there still may be Equal Protection Clause issues arising from the draft. While I cannot predict whether a constitutional challenge would be made or the outcome of such a challenge if made, it is at least possible that the provisions of the bill might be challenged in court.

As discussed, the attached bill seems to comply with the national minimum drinking age law, 23 USC 158 (a). However, you may wish to seek a second opinion from the NHTSA or DOT on this important issue.

Because of the surcharge created in the attached draft, some time for implementation will be needed. Accordingly, I have included a delayed effective date of approximately three months, although I am not sure if this provides sufficient time.

Please let me know if you would like any changes made to the attached bill. If the attached draft meets with your approval, I can redraft it as an introducible "/1" bill.

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