

By Mr. Lees, a petition (accompanied by bill, Senate, No. 1991) of Brian P. Lees for legislation to establish a designated driver program for members of the National Guard (the specialist Hans Taeger act). Veterans and Federal Affairs.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT ESTABLISHING A DESIGNATED DRIVER PROGRAM FOR MEMBERS OF THE NATIONAL GUARD [THE SPECIALIST HANS TAEGER ACT].

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 33 of the General Laws is hereby amended by adding
2 the following section:—

3 Section 138. There shall be established a Massachusetts
4 national guard designated driver program which shall be imple-
5 mented on each National Guard military installation and by each
6 unit no later than September 1, 2003. The Massachusetts Adjutant
7 General shall designate the commander of each Massachusetts
8 National Guard installation and unit as the administrator of the
9 designated driver program for the corresponding installation and
10 unit. The commanders so designated are personally responsible to
11 ensure that designated drivers do not drink alcohol beverages or
12 use any drugs. The purpose of the designated driver program shall
13 be to protect military personnel and civilians from the conse-
14 quences of driving under the influence of drugs and alcohol by
15 designated drivers while on duty or during social functions. The
16 Massachusetts Adjutant General shall establish appropriate penal-
17 ties for violations of this section, including penalties for drinking
18 or using drugs during the period when individuals are designated
19 drivers.

20 At a minimum, the designated driver program established under
21 this section should clearly state in addition to the above:

22 Each individual guard member's (all ranks and grades) respon-
23 sibilities regarding the designated drivers program;

24 Their accountabilities to ensure adherence to the program;
25 The reporting of failures to adhere to and enforce the program,
26 as well as each National Guard member's responsibility and
27 required actions to stop designated drivers from driving under the
28 influence and penalties for failure to do so;

29 The designated driver's responsibilities to adhere to this section
30 and penalties for failure to adhere to the program. This must
31 include the directive of designated drivers not consuming any
32 alcohol or drugs 48 hours prior to assuming their duties as desig-
33 nated drivers;

34 The understanding and acknowledgement of these responsibili-
35 ties and duties and penalties to adhere to the program shall be rec-
36 ognized by each guard members' signing an appropriate
37 acknowledgement form annually which is to be filed in their Per-
38 sonnel File.

39 Definition of designated driver: a person from a National Guard
40 unit designated by the unit commander to drive a vehicle to
41 transfer and transport other unit members while on duty or during
42 social functions.

43 Recommended penalties for members or supervisors or com-
44 manders and designated drivers who fail to adhere to or enforce
45 the designated driver program, as well as those members who fail
46 to report adherence to this section and fail to stop designated dri-
47 vers from driving under the influence:

48 Penalties should be consistent with existing Massachusetts state
49 laws and the Uniform Code of Military Justice for DUI, including
50 DUI resulting in injury, negligent homicide, involuntary
51 manslaughter, vehicular homicide.