

COMMENTARY BY PERRY Z. BINDER

Teen Speeding Law Too Broad

License Loss Rule Should Be Adjusted for School, Job Needs

Georgians need to hear the other side of the story when it comes to the tough anti-speeding sanctions in our under-21 driving law.

The media spends too much time harping on harried parents losing a spoiled extra driver in their household and too little time exploring how many students drop out of college and lose their jobs because of the law.

Since the 1997 law was enacted, 9,523 have had their licenses suspended for six months for speeding 24 mph or more above the limit (*Atlanta Journal-Constitution*, Oct. 13, 1999). Here's the story of one of those thousands, along with my proposal to modify the law:

A few weeks into her first college semester, a student (I'll call her Diane) came to me before class and said she needed to drop out of school. The usual reasons for dropping out range from a death in the family to severe

Perry Z. Binder is the director of the Paralegal Program at Clayton College and State University (www.clayton.edu/binder). His e-mail address is PerryBinder@mail.clayton.edu. (1996-2000)

'Diane' had no way to get to campus on time without a car, thus necessitating that she leave school.

financial restraint. When I asked Diane why she needed to leave school, she told me that she pleaded nolo contendere without the advice of counsel to speeding more than 24 mph over the limit. No alcohol. No drugs.

The Fayette County judge took her license away on the spot for six months as mandated by the state Department of Public Safety.

Diane lives 45 minutes from campus. She works Monday-Friday from 8 a.m. to 5 p.m. in Fayette County and then heads straight to Clayton State for my Introduction to Law & Ethics class at 6 p.m.

After losing her license, Diane was fortunate to get a ride to work since she and her mom worked at the same place. However, mom's shift begins at 6 a.m. and ends at 2:30 p.m. So Diane got up early and went to work with mom but got in trouble with her boss because she was forced to leave at 2:30 p.m.

No Way to Get to School

In addition, Diane had no way to get to campus on time without a car, thus necessitating that she leave school.

I was outraged by the inflexibility of the law and told her I'd call the judge

to see if he'd rehear the case. We were pressed for time since the drop date for classes without receiving a failing grade was a week away. Adding to the gravity of the matter, Diane would be unable to enroll in my class (the prerequisite for all other law classes in her paralegal major) until fall 2000—a full year away!—since the six-month suspension spilled into the spring semester.

After speaking with the judge, the county solicitor and the Public Safety legal staff, I got Diane's license back—but only because of a technicality. Diane was 20 years old when she got the ticket and turned 21 just prior to her court hearing. The law applies only to people who are under 21 at the time of conviction.

I know. Here we go again, another lawyer chipping away at the tough laws that decent citizens fought so hard to pass. Diane got lucky. She is back at her regular work shift, passed my class with flying colors and wrote an inspiring term paper (she interviewed an attorney in Roy Black's office about the legal profession).

Diane's alternative? Losing her job and sitting out of school for a year.

I have been working with young adults in a college setting for years. It is my experience that if Diane did not get her license back, she might not have returned to school. All for a mistake in judgment that she made, I've made and that many of you have made.

Law Needs Modifying

The under-21 anti-speeding law not only affects busy parents compelled to drive teen-agers to malls but also people whose livelihood depends on rational and sensitive laws. I am not proposing that we eliminate Georgia's anti-speeding law. Rather, I am proposing that we modify it—upon conviction, if 18- to 20-years-old, you can apply for a restricted license only for travel to and from work/school for the balance of the six-month suspension.

Upon conviction for a similar infraction through your 21st birthday, you lose your license for another six months without the work/school travel privilege. No exceptions.

Georgia is the state that revolutionized HOPE. Please don't continue to drive away our teen-agers and dampen their hopes for a better life.

To quote from Diane's term paper: "I have always wanted to help people but was told by many people that it was way out of my reach! This semester of school has brought my desire back and has strengthened it more than it ever was. It's almost as if my dream is becoming a reality." □

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