

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-388, title III, §327(b), Oct. 6, 1992, 106 Stat. 1550, provided that: "The amendments made by subsection (a) of this section [amending this section] shall take effect November 5, 1990."

EFFECTIVE DATE

Pub. L. 102-143, title III, §333(e), Oct. 28, 1991, 105 Stat. 947, provided that: "The amendments made by subsection (a) of this section [enacting this section] shall take effect November 5, 1990."

STUDY ON STATE COMPLIANCE WITH REQUIREMENTS FOR REVOCATION AND SUSPENSION OF DRIVERS' LICENSES

Pub. L. 102-240, title I, §1094, Dec. 18, 1991, 105 Stat. 2025, provided that:

"(a) STUDY.—The Secretary shall conduct a study of State efforts to comply with the provisions of section 333 of the Department of Transportation and Related Agencies Appropriations Acts, 1991 and 1992 [section 333 of Pub. L. 102-143 (1992 Act) enacted this section and provisions set out as a note above and repealed section 333 of Pub. L. 101-516 (1991 Act) which amended section 104 of this title and enacted provisions set out as a note thereunder], relating to revocation and suspension of drivers' licenses.

"(b) REPORT.—Not later than December 31, 1992, the Secretary shall transmit to Congress a report on the results of the study conducted under this section."

[§ 160. Repealed. Pub. L. 112-141, div. A, title I, § 1519(b)(1)(A), July 6, 2012, 126 Stat. 575]

Section, added Pub. L. 102-240, title I, §1014(a), Dec. 18, 1991, 105 Stat. 1941, related to reimbursement for segments of the Interstate System constructed without Federal assistance.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

§ 161. Operation of motor vehicles by intoxicated minors

(a) WITHHOLDING OF APPORTIONMENTS FOR NON-COMPLIANCE.—

(1) PRIOR TO FISCAL YEAR 2012.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b)¹ on October 1, 1999, and on October 1 of each fiscal year thereafter through fiscal year 2011, if the State does not meet the requirement of paragraph (3) on that date.

(2) FISCAL YEAR 2012 AND THEREAFTER.—The Secretary shall withhold an amount equal to 8 percent of the amount required to be apportioned to any State under each of paragraphs (1) and (2) of section 104(b) on October 1, 2011, and on October 1 of each fiscal year thereafter, if the State does not meet the requirement of paragraph (3) on that date.

(3) REQUIREMENT.—A State meets the requirement of this paragraph if the State has

enacted and is enforcing a law that considers an individual under the age of 21 who has a blood alcohol concentration of 0.02 percent or greater while operating a motor vehicle in the State to be driving while intoxicated or driving under the influence of alcohol.

(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2000.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2000, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2000.—No funds withheld under this section from apportionment to any State after September 30, 2000, shall be available for apportionment to the State.

(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1), the State meets the requirement of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirement, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned. Sums not obligated at the end of that period shall lapse.

(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirement of subsection (a)(3), the funds shall lapse.

(Added Pub. L. 104-59, title III, §320(a), Nov. 28, 1995, 109 Stat. 589; amended Pub. L. 105-178, title I, §1103(l)(3)(F), June 9, 1998, 112 Stat. 126; Pub. L. 112-141, div. A, title I, §1404(h), July 6, 2012, 126 Stat. 559.)

REFERENCES IN TEXT

Section 104, referred to in subsec. (a)(1), was amended generally by Pub. L. 112-141, div. A, title I, §1105(a), July 6, 2012, 126 Stat. 427.

AMENDMENTS

2012—Subsec. (a)(1), (2). Pub. L. 112-141 redesignated par. (2) as (1), substituted "PRIOR TO FISCAL YEAR 2012" for "THEREAFTER" in par. heading, inserted "through fiscal year 2011" after "each fiscal year thereafter" in text, added par. (2), and struck out former par. (1). Prior to amendment, text of par. (1) read as follows: "The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 1998, if the State does not meet the requirement of paragraph (3) on that date."

1998—Subsec. (a)(1), (2). Pub. L. 105-178 substituted "paragraphs (1), (3), and (4) of section 104(b)" for "paragraphs (1), (3), and (5)(B) of section 104(b)".

¹ See References in Text note below.