Vanderbilt Law Review

Volume 8
Issue 4 *Issue 4 - A Symposium on Local Government Law--Foreword--Local Government in the Larger Scheme of Things*

Article 12

6-1955

An Analysis of the Drunken Driving Statutes in the United States

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NOTES

AN ANALYSIS OF THE DRUNKEN DRIVING STATUTES IN THE UNITED STATES

In 1953, 18 out of every 100 drivers involved in fatal accidents had been drinking. By 1954, the figure had risen to 20 out of every 100.[1] These figures, limited as they are, indicate a trend—the increasing rate of drinking drivers—which has caused deep concern to safety and law enforcement officials for several years. The figures also indicate the scope to which the problem has already grown—to the point that one out of every five drivers involved in a fatal accident has been drinking.

With the growing incidence of the offense, the need for a better understanding of the laws relating to the problem has arisen. Since all 48 states and the District of Columbia have statutes prohibiting this behavior, this note will review the legal aspects of the problem and compare the statutes and the statutory interpretations of the various states.

Three questions will be considered here:

(1) What constitutes "operation" or "driving" under the various statutes?

(2) What vehicles these statutes seek to regulate?

(3) What physical locations are covered by the restrictions?

The legal aspects of drunkenness have been covered in numerous articles, and will not be discussed here.

WHAT CONSTITUTES "OPERATION" OR "DRIVING"?

There are three distinct types of statutes:

(a) Those making it unlawful to "drive,"[2]

(b) Those making it unlawful to "operate,"[3]

1. NATIONAL SAFETY COUNCIL, ACCIDENT FACTS, (1955).

2. ALA. CODE tit. 36 § 2 (Supp. 1953); COLO. STAT. ANN. c. 16, § 187 (Supp. 1953); IDAHO CODE ANN. § 49-502 (1947); ILL. ANN. STAT. c. 95½, § 144 (Supp. 1954); IND. ANN. STAT. § 47-2001 (Burns 1952); KAN. GEN. STAT. § 8-530 (1949); MD. ANN. CODE GEN. LAWS art. 66½, § 171 (1951); MICH. STAT. ANN. § 9.2325 (1952); MINN. STAT. ANN. § 168.39 (West Supp. 1954); MISS. CODE ANN. § 8174 (Supp. 1954); NEV. COMP. LAWS § 4351 (1929); N.D. REV. CODE § 39-0801 (1943); ORE. COMP. LAWS ANN. § 115-318 (1940); S.C. CODE § 46-343 (Supp. 1954); WYO. COMP. STAT. ANN. § 60-414 (Supp. 1953).

3. CONN. GEN. STAT. § 2412 (1949); REV. CODE DEL. c. 41 § 4111 (1954); D.C. CODE ANN. § 40-609 (1951); GA. CODE ANN. § 68-307 (Supp. 1951); IOWA CODE ANN. § 321.281 (Supp. 1954); KY. REV. STAT. ANN. § 189.520 (Baldwin 1943); LA. CODE CRIM. LAW & PROC. ANN. art. 740-98 (Supp. 1953); ME. REV. STAT. c 22 § 150 (1954); MASS. ANN. LAWS c. 90, § 24 (1954); MO. REV. STAT. §

(c) Those making it unlawful to perform either of the above acts or one of them combined with "actual physical control."[4]

Over the years, those terms have acquired a degree of uniformity of interpretation among the different states.

To Drive. The courts in most of the states which use the word "drive" have held that the vehicle must be in actual motion, and that the defendant must be the cause of this motion.[5] It is not necessary that the arresting official see the car in motion, so long as circumstances would indicate that the defendant had moved the car.[6] Even though the defendant may be sitting in the front seat behind the steering wheel, in driving position, if he did not, in fact, attempt to move the vehicle, he did not "drive."[7] One judge of the Tennessee Supreme Court, however, in a concurring opinion, has said that the word "drive" includes parking on the highway.[8] Some of the cases distinguish between "operate" and "drive,"[9] and hold that one who "drives" an automobile "operates" it, whereas the converse is not necessarily true.[10]

To Operate. The word "operate," on the other hand, is a much broader term, including most acts incidental to movement as well as the actual movement of the vehicle.

A person "operates" a vehicle under the statutes when, in the vehicle, he intentionally does any act or makes use of any mechanical or electrical agency which alone or in sequence will set in motion the motive power of that vehicle. It includes the setting in motion of the operative machinery of the vehicle as well as the driving of the vehicle under the power of the motive machinery.[11]

Starting the engine is almost always sufficient to constitute the

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564.440 (1949); N.H. REV. LAWS c. 118, § 16 (1942); N.J. REV. STAT. § 39:4-50 (Supp. 1954); N.Y. VEH. & TRAF. LAW § 70(5). (Supp. 1955); N.C. GEN. STAT. § 20-139 (1953); OHIO REV. CODE § 4507.37 (1953); PA. STAT. ANN. tit. 75 § 191, § 231 (1953); R.I. GEN. LAWS c. 88 § 4 (1938); S.D. CODE § 44.9922 (1939); VT. REV. STAT. § 10,287 (1947); WIS. STAT. § 85.13 (1949).

4. ARIZ. CODE ANN. § 66-156 (Supp. 1951); ARK. STAT. ANN. § 75-1027 (Supp. 1953); CAL. GEN. CODE § 367 (1949); FLA. STAT. ANN. § 317.20 (1943); MONT. REV. CODES ANN. § 31-108 (1947); NEB. REV. STAT. § 39-727 (1952); N.M. STAT. ANN. § 64-22-2 (1953); OKLA. STAT. tit. 47, § 93 (Supp. 1953); TENN. CODE ANN. § 59-837 (1955); TEX. PEN. CODE ANN. art. 802 (Supp. 1954); UTAH CODE ANN. § 41-6-44 (1953); VA. CODE § 18-75 (1950); WASH. REV. CODE § 46.56.010 (1951); W. VA. CODE ANN. § 1552 (1949).

5. Underwood v. State, 24 Ala. App. 191, 132 So. 606 (1931), 5 AM. JUR. *Automobiles* § 771 (1936).

6. People v. Mellor, 302 Mich. 537, 5 N.W.2d 455 (1942).

7. Underwood v. State, 24 Ala. App. 191, 132 So. 606 (1931).

8. Bradam v. State, 191 Tenn. 626, 632, 235 S.W.2d 801, 803 (1950); the Tennessee Supreme Court had previously held with the majority in Line v. State, 191 Tenn. 380, 234 S.W.2d 818 (1950).

9. People v. Kelley, 27 Cal. App.2d 771, 70 P.2d 276 (1937); Bosse v. Marye, 80 Cal. App. 109, 250 Pac. 693 (1926).

10. Ferguson v. State, 198 Miss. 825, 23 So.2d 687 (1945).

11. Commonwealth v. Uski, 263 Mass. 22, 160 N.E. 305 (1928).

offense.[12] A leading case illustrating this is *State v. Webb*.[13] There, the defendant, who had been drinking, got into his car, which was parked in an alley. He started the engine, letting it idle while his companions entered the car. Just as the last person got in, the police arrived. The court held that this constituted "operation."

Even though a car has no motive power of its own, it may still be "operated." Thus, where a defendant was steering a car which was unable to move under its own power, but was being towed by another vehicle, he was held to be "operating" the vehicle.[14] In another case, a man was found by the police sitting at the wheel of his car, attempting to get it out of a ditch. He was held to be "operating" the car under the statute, even though the car was hopelessly stuck. The court added, however, that the emergency might be a mitigating factor to consider in fixing the punishment.[15] Similarly, the fact that a car is against a curb and the engine is not powerful enough to move it over the curb is no defense.[16]

It is not always necessary that a car's engine be running. In one case, shifting a gear, allowing the car to roll four feet, was held to be "operation."[17] The distance the vehicles moves, however, does not matter,[18] since sometimes no movement at all is necessary.[19] This point has been distinguished in North Carolina, where a defendant was held not to be "operating" a car when he put his foot on the brake to keep it from rolling.[20]

The statutes include vehicles at rest on the highway as well as those in motion. It is obvious that an automobile stopped on a highway, especially at night, can be a real menace,[21] and the statutes seem to take this into consideration. As an injury may be received after the operator has brought his car to a stop, the word "operation" must include such stops as are ordinarily made in the course of the operation of motor vehicles.[22]

As in the "driving" cases above, "operation" may be shown by circumstantial evidence.[23] A leading case on this point is *State v. Lorey*.[24] In that case, an officer, hearing a crash near him, looked around quickly

12. State v. Ray, 133 Atl. 486 (N.J. Sup. Ct. 1926); *but cf.* State v. Sullivan, 146 Me. 381, 82 A.2d 629 (1951). See also Note, 42 A.L.R.
13. 202 Iowa 633, 210 N.W. 751 (1926), 49 A.L.R. 1389 (1927).
14. State v. Tacey, 102 Vt. 439, 150 Atl. 68, 68 A.L.R. 1535 (1930); *cf.* State v. Roberts, 139 Me. 273, 29 A.2d 457 (1942).
15. State v. Overbay, 201 Iowa 758, 206 N.W. 634 (1925).
16. People v. Domagala, 123 Misc. 757, 206 N.Y. Supp. 288 (1924).
17. Commonwealth v. Clarke, 254 Mass. 566, 150 N.E. 829 (1926); see also State v. Jalbert, 142 Me. 407, 53 A.2d 336 (1947).
18. Austin v. State, 47 Ga. App. 191, 170 S.E. 86 (1933).
19. State v. Ray, 133 Atl. 486 (N.J. Sup. Ct. 1926).
20. State v. Hatcher, 210 N.C. 55, 185 S.E. 435 (1936).
21. See Commonwealth v. Henry, 229 Mass. 19, 118 N.E. 224, L.R.A. 1918B, 827 (1918).
22. Stroud v. Hartford, 90 Conn. 412, 97 Atl. 336 (1916).
23. Franklin v. State, 51 Ga. App. 98, 179 S.E. 649 (1935).
24. 197 Iowa 552, 197 N.W. 446 (1924).

and saw that two cars had collided. The defendant and his companion were still in their car, with the defendant limp over the wheel, too drunk to get out. The court held that this was sufficient evidence to go to the jury; that it was impossible under the evidence for this drunken man to have gotten into the car and at the wheel in the brief period of time that intervened between the time the officer heard the crash and arrived at the car.

Likewise, evidence that the defendant's car was found in a ditch, with the defendant just getting out, the lights on, and the tires still warm, was sufficient to send the case to the jury.[25] And where a defendant's car was left at a county line by a wrecker, and the defendant was next seen six miles away, out of gas, carrying a can of gas to his car, operation could be inferred.[26]

It is sometimes not necessary that the defendant actually be the person behind the wheel. A drunken person riding in his own automobile, in which the driver is drunk, can be an accomplice.[27] He may have aided in or caused the operation by the drunken person, and thus be subject to indictment.[28] However, mere ownership alone is not enough to convict. The defendant must know of the intoxication of the driver, or must be directing him.[29] Where the driver of the defendant's car is intoxicated and the defendant is too drunk to know what is going on, knowledge is not imputed to the defendant.[30]

A similar situation is presented where the defendant-owner permits an unlicensed operator to drive. The courts seem to distinguish this from the previous situation, however, and say that serving as sponsor for another who does all the driving does not constitute "operation."[31] The statute, according to the Massachusetts courts, refers to actual physical control.[32]

It is not even necessary that the defendant be the person intoxicated. In North Carolina, a defendant, owner of a truck, was riding as a passenger, letting an intoxicated person drive. He was held equally guilty with the driver.[33] The court said:

> "When an owner places his motor vehicle in the hands of an intoxicated driver, sits by his side, and permits him, without protest, to operate the vehicle on a public highway, while in a state of intoxication, he is as guilty as the man at the wheel."[34]

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25. State v. Boyle, 230 Iowa 305, 297 N.W. 312 (1941).
26. State v. Kissinger, 343 Mo. 781, 123 S.W.2d 81 (1938).
27. State v. Myers, 207 Iowa 555, 223 N.W. 166 (1929).
28. *Ibid.*
29. State v. Spruill, 214 N.C. 123, 198 S.E. 611 (1938).
30. State v. Creech, 210 N.C. 700, 188 S.E. 316 (1936).
31. Commonwealth v. Jordan, 310 Mass. 85, 37 N.E.2d 123 (1941), 137 A.L.R. 474 (1942).
32. *Ibid.*
33. State v. Gibbs, 227 N.C. 677, 44 S.E.2d 201 (1947).
34. *Id.* at 202.

The courts impose a duty on the owner, under these conditions, to know the condition of the driver, especially if they are on a joint venture. If, however, the driver is not driving for the defendant, the latter's conduct does not constitute aiding and abetting.[35]

To Be in Actual Physical Control. Statutes in the third category, namely, those prohibiting "operating or driving" or "operating or being in actual physical control," are interpreted much as the statutes prohibiting "operation" alone. Thus, the Texas court has held that steering a car which is being pushed is "operating or driving."[36] And where a driver stopped his car on a bridge, turned out his lights, and passed out, he was convicted of manslaughter when the driver of another car was killed by running into the stopped car, the Florida court determined this to be "operation" under a statute prohibiting "operating or being in actual physical control."[37]

The act of "driving or operating" while intoxicated is an offense complete in itself, and no other act need be done.[38] Recklessness need not be shown, for that is a separate offense, even though it may be part of the same act.[39] Nor must the defendant do some act he would not have done had he been sober.[40]

However, it is not sufficient to show that a defendant was intoxicated and that he rode in a vehicle while in that condition. There is no inference from those facts that he "drove" or was "in actual physical control." "The proofs must go further, and show that he actually drove the vehicle."[41]

VEHICLES THE STATUTES SEEK TO REGULATE

Most statutes employ such as "any vehicle,"[42] "any motor vehicle,"[43] "any motor vehicle or motorcycle,"[44] to describe the vehicle covered, but there are others.[45]

There are comparatively few cases dealing with a definition of these

35. State v. Storms, 233 Iowa 655, 10 N.W.2d 53 (1943).
36. Rogers v. State, 147 Tex. Crim. 602, 183 S.W.2d 572 (1944).
37. Barrington v. State, 145 Fla. 61, 199 So. 320 (1941).
38. Stewart v. State, 108 Tex. Crim. 199, 299 S.W. 646 (1927).
39. Hundley v. Commonwealth, 193 Va. 449, 69 S.E.2d 336, 338 (1952).
40. Stewart v. State, 108 Tex. Crim. 199, 299 S.W. 646 (1927).
41. State v. Williams, 141 Wash. 165, 251 Pac. 126 (1926).
42. Arizona, Arkansas, Colorado, District of Columbia, Idaho, Illinois, Indiana, Kansas, Michigan, Minnesota, Mississippi, Nevada, New Mexico, North Dakota, Oregon, South Carolina, Utah, Washington, West Virginia. See notes 2, 3, and 4 *supra.*
43. Alabama, Connecticut, Delaware, Iowa, Maine, Massachusetts, Missouri, Nebraska, New Hampshire, New Jersey, North Carolina, Oklahoma, Rhode Island, South Dakota, Vermont, Wyoming. See notes 2, 3, and 4 *supra.*
44. Georgia, New York. See note 3 *supra.*
45. California, Florida, Kentucky, Louisiana, Maryland, Montana, Ohio, Pennsylvania, Tennessee, Texas, Virginia, Wisconsin. See notes 2, 3 and 4 *supra.*

terms. Therefore, in some instances, we must advert to analogy with other statutes regulating conduct on the highways.

Very little trouble seems to have arisen where the statute used the broad terminology of "any vehicle" or "any motor vehicle." Where the term "any vehicle" is used, it would seem to include anything capable of being propelled, regardless of the motive power, such as airplanes, ships, ox carts, and even wheelbarrows. Use of the term "any motor vehicle" would simply limit the above definition to those vehicles which are propelled by machinery, *i.e.*, other than by animal or human motive power.

Some statutes specifically set out both "automobiles" and "motor vehicles;"[46] others say "any vehicle" and add street cars and trackless trolleys, apparently making some distinction.[47] Kentucky distinguishes between vehicles which are not motor vehicles and those which are, then prohibits operation of both classes.[48] Another state specifically includes aircraft and vessels, and then as a catch-all, uses the term "or other means of conveyance."[49]

The fact that a motor vehicle has no power does not keep it from being a motor vehicle.[50] "(I)t was the design, mechanism, and construction of the vehicle, and not its temporary condition, that the Legislature had in mind when framing the definition of a motor vehicle."[51]

For the most part the courts use commonly accepted definitions of the terms. "Automobile" has been held to be a generic term, and therefore it includes trucks[52] and motorcycles.[53] In an insurance case, the word "automobile" was held to include "automobile truck."[54] In another case the same holding was apparent under a statute prohibiting riding on the fender of any automobile.[55]

Physical Locations Covered by The Statutes

A majority of the states prohibit driving while intoxicated anywhere in the state.[56] The other states expressly or by implication indicate

46. *E.g.*, Colorado, Tennessee. See notes 2 and 4 *supra*.
47. Maryland, Ohio, Virginia. See notes 2, 3 and 4 *supra*.
48. See note 3 *supra*.
49. Louisiana. See note 3 *supra*.
50. Rogers v. State, 147 Tex. Crim. Rep. 602, 183 S.W.2d 572 (1944); State v. Tacey, 102 Vt. 439, 150 Atl. 68, 68 A.L.R. 1353 (1930).
51. State v. Tacey, 102 Vt. 439, 150 Atl. 68, 69, 68 A.L.R. 1353, 1354 (1930).
52. Nichols v. State, 156 Tex. Crim. 364, 242 S.W.2d 396 (1951).
53. People v. Smith, 156 Mich. 173, 120 N.W. 581, 21 L.R.A. (N.S.) 41 (1909).
54. Life & Casualty Ins. Co. of Tennessee v. Roland, 45 Ga. App. 467, 165 S.E. 293 (1932).
55. Wiese v. Polzer, 212 Wis. 337, 248 N.W. 113 (1933).
56. Arizona, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Illinois, Indiana, Kansas, Louisiana, Maine, Maryland, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Pennsylvania, South Carolina, Utah, Vermont, Virginia, Wyoming. See notes 2, 3, and 4 *supra*.

that they are to be applied only to public highways or streets or, more generally, to any place where the public has a right of access.

In those states whose statutes are silent about where the offense may be committed, it is usually held that the statute applies generally throughout the state.[57] It does not have to be committed on a public road or street,[58] but may be on a private road,[59] or even in a private driveway.[60] This is not a road regulation, but is a prohibition against an intoxicated person operating an automobile,[61] the offense being dangerous wherever committed. The statutes are not construed as being limited in scope,[62] and any property, whether road or not, can be the locus of the offense.[63] Even a private dock or wharf has been held to come within the scope of the statute.[64]

In those states which have statutes which are not of general application, almost every conceivable public place has been held to come within the prohibition. The generally accepted test is whether or not the place is one to which the public has the right of access.

The term "public highway" is almost uniformly held to include streets. Roads and highways are generic terms, embracing all kinds of public ways, such as county and township roads, streets, and alleys. A street is a highway, but a highway is not necessarily a street,[65] a street being just a public highway within a city or town.[66] Even that part of a public square used for driving is a public street.[67]

It need not always be proved that a street is a public street. For example, where a complaint charges that the offense was on High or Main Street, it may be presumed that the High or Main street of a particular town is a public street.[68] And where a defendant was convicted of driving on a street in Los Angeles, the appellate court held that inasmuch as the street was used by the public as one of the regular avenues of travel in that vicinity of the city, the jury could find that it was a public highway.[69] However, it is not necessary to set out the exact road or street in the allegation.[70]

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57. Patterson v. State, 128 Fla. 539, 175 So. 730 (1937); 61 C.J.S., *Motor Vehicles* § 629 (1949).
58. State v. Dowling, 204 Iowa 977, 216 N.W. 271 (1927); State v. Pike, 312 Mo. 27, 278 S.W. 725 (1925).
59. State v. Carroll, 225 Minn. 384, 31 N.W.2d 44 (1948).
60. People v. Rue, 166 Misc. 845, 2 N.Y.S.2d 939 (1938).
61. State v. Pike, 312 Mo. 27, 278 S.W. 725 (1925).
62. State v. Cormier, 141 Me. 307, 43 A.2d 819 (1945).
63. State v. Dowling, 204 Iowa 977, 216 N.W. 271 (1927).
64. State v. O'Grady, 21 A.2d 864 (Ct. Sp. Sess. N.J. 1941; for a case holding a dock to be a "road" within the meaning of a statute, see Commonwealth v. Gammons, 23 Pick. 201 (Mass. 1840).
65. See Blackman v. State, 20 S.W.2d 783 (Tex. Crim. App. 1929).
66. People v. Kyle, 341 Ill. 31, 173 N.E. 75 (1930).
67. Inness v. State, 106 Tex. Crim. 524, 293 S.W. 821 (1926).
68. Curtis v. Joyce, 90 N.J.L. 47, 99 Atl. 932 (1917); *aff'd*, 91 N.J.L. 685, 102 Atl. 1053 (1918).
69. People v. Kelly, 70 Cal. App. 519, 234 Pac. 110 (1925).
70. Simpson v. State, 153 Tex. Crim. 413, 220 S.W.2d 664 (1949).

Where proof is necessary, whether or not a street or highway is public can be proved by circumstantial as well as direct evidence.[71]

It is not necessary, in the allegation, to name an incorporated city or town where the street in question is located.[72] It really makes no difference whether the street or road is in an incorporated town or city,[73] since the people of towns and villages are as much entitled to protection from drunken drivers as those of incorporated cities.[74]

Bridges intended and used as thoroughfares are within the scope of the statutes concerning "public highways."[75] Turnpikes are also public highways nothwithstanding the tolls,[76] since operation of a turnpike does not differ from any other highway.[77] "The term 'public highway,' in its broad popular sense, includes toll roads—any road which the public have a right to use even conditionally. . . ."[78]

Passage over a fair grounds[79] or a public park[80] would satisfy the "public way" statutes; a driveway to which the public has access would do likewise.[81] Even the driving of a vehicle over the sidewalk entrance to a filling station comes within a statute which uses the phrase "public highway," for the highway covers the entire width from property line to property line. It is immaterial that it leads to private property, if it is used by the public to get to the station.[82]

In *People v. Taylor*,[83] the New York court held that operation in a privately owned parking lot was sufficient to bring the act within the statute. In that case the court said:

> "Judicial notice may well be taken of the fact that enlightened zoning restrictions are more and more requiring property owners, both business and residential, to provide adequate off-street parking facilities for motor vehicles and it would be a dangerous determination to read into the instant statute a limitation upon its construction so that one who operated an automobile in such off-street facilities in an intoxicated condition could not be punished therefor."[84]

Some courts define a public road as one which is used or open for use and traffic by the public,[85] whereas in a minority of states which

71. Lankford v. State, 70 Ga. App. 76, 27 S.E.2d 349 (1943).
72. Simpson v. State, 153 Tex. Crim. 413, 220 S.W.2d 664 (1949).
73. See Lamkin v. State, 136 Tex. Crim. 99, 123 S.W.2d 662 (1939).
74. Blackburn v. State, 150 Tex. Crim. 572, 204 S.W.2d 619 (1947).
75. County Comm'rs v. Chandler, 96 U.S. 205 (1877).
76. See County Comm'rs v. Chandler, 96 U.S. 205, 208 (1877).
77. State v. Maine, 27 Conn. 641 (1858), 71 Am. Dec. 89 (1911).
78. Weirich v. State, 140 Wis. 98, 121 N.W. 652, 653, 22 L.R.A. (N.S.) 1221, 1223 (1909).
79. Canard v. State, 174 Ark. 918, 298 S.W. 24 (1927).
80. State v. Sakowicz, 98 N.J.L. 905, 125 Atl. 322 (1923).
81. Crossler v. Safeway Stores, 51 Idaho 413, 6 P.2d 151 (1931) 80 A.L.R. 463 (1932).
82. State v. Perry, 230 N.C. 361, 53 S.E.2d 288 (1949).
83. 202 Misc. 265, 111 N.Y.S.2d 703 (1952).
84. People v. Taylor, 202 Misc. 265, 111 N.Y.S.2d 703, 708 (1952).
85. Nichols v. State, 120 Tex. Crim. 219, 49 S.W.2d 783 (1932).

specify a "public" highway or street, the road must, in fact, be a public one in order to have an offense.[86] In these states, it is not an offense to drive an automobile while intoxicated unless it be driven on a public road or other prohibited place.[87] The evidence in the case must affirmatively establish that the operator was on a public road,[88] and it must be averred that the defendant used a public highway.[89]

CONCLUSION

Most of the decisions on this subject can be explained on the basis of the purpose of the statutes.[90] Stated plainly, the purpose of the statutes is to keep drunken people from being a menace to others by their actions in any vehicle which has an accident potential.

This accident potential is not always limited to the highways or public places, and some of the states have recognized this fact by making their statutes of general application throughout the state, regardless of whether on public property or not. After all, a drunken driver is still a menace to the public when he lets his car roll out of his own driveway and into the path of other vehicles, or when he runs over his own children in his own yard. Other states have worded their statutes to include only public places or highways. However, where the latter type is in use, the interpretations have been broad, in order to carry out the purpose of the statutes.

Likewise, the accident potential is not limited to automobiles. The drunken driver of a farm tractor can endanger the lives of others. This same argument can be applied to the operators of ships, airplanes, motorcycles, buses, and trucks.

The social objectives behind the statutes seem to be accomplished best by wording the statutes in terms broad enough to cover any manipulation of any type of vehicle any place within the state.

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86. Turner v. State, 109 Tex. Crim. 508, 5 S.W.2d 513 (1928).
87. *See* Sexton v. State, 29 Ala. App. 336, 196 So. 742 (1940).
88. Allen v. State, 74 Tex. Crim. 623, 169 S.W. 1151 (1914).
89. *Ex parte* Worthington, 21 Cal. App. 497, 132 Pac. 82 (1913).
90. See Terry v. State, 172 Miss. 303, 160 So. 574 (1935).