

SUPREME COURT OF LOUISIANA

No. 95-CA-2189

JODY W. MANUEL, STACY P. FORET,
BURKE G. PIERROTTI AND WENDELL J. MANUEL

Versus

STATE OF LOUISIANA, ET AL

ON DIRECT APPEAL FROM THE THIRTEENTH JUDICIAL DISTRICT
COURT, PARISH OF EVANGELINE, STATE OF LOUISIANA

JOHNSON, J., Dissenting

I respectfully dissent.

The evidence presented by the State clearly shows that the challenged classification is not arbitrary, capricious or unreasonable by showing that the classification substantially furthers the important State objective of highway safety. The State introduced into evidence national statistics which established a direct relationship between alcohol related accidents and the age group classified by the Louisiana statute. According to those statistics, Louisiana had the fourth highest percentage of alcohol related traffic fatalities of fifteen to twenty year olds of all States in the nation. In 1994, more persons in the age group classified under the Louisiana minimum drinking age statute died in low blood alcohol level traffic crashes than any other three year age group. Moreover, in 1994, 44% of the traffic fatalities involving persons ages eighteen to twenty were alcohol related as compared to 40.8% for all traffic fatalities. Alcohol related traffic fatalities were over twice as great on a per capita basis for persons age eighteen to twenty as for the population over twenty. This evidence is undoubtedly relevant to evaluating the reasonableness of the classification. Based on the evidence presented, I believe that the State met its burden of proving that there was a reasonable basis for enacting the law at issue.

Moreover, I disagree with the majority's holding that "in the context of a law which singles out a particular age group for treatment different under the law from other age groups, the classification can only be found constitutional if it is the classification which most directly implicates

or furthers the asserted governmental interest." I believe that this is an unwarranted expansion of the state's burden of justifying a classification based on age. Its application has the effect of heightening the intermediate level of scrutiny previously articulated by this court in Sibley v. Board of Supervisors of Louisiana State University, 477 So. 2d 1094 (La. 1985) and Pace v. State, Through Louisiana Employees Retirement System, 94-1027 (La. 1/17/95), 648 So. 2d 1302.

Since the state proved that the law has a reasonable basis and the legislature did not arbitrarily, capriciously, and unreasonably discriminate against eighteen to twenty year olds, I would reverse the trial court's ruling declaring unconstitutional La. R.S. 14:93.10 through La. R.S. 14:93.14, La. R.S. 26:90, and La. R.S. 26:286, and dismiss plaintiffs' claims.