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MINIMUM STATUTORY AGES FOR VARIOUS SOCIAL FUNCTIONS

During the debate surrounding the proposal to lower the voting age from 21 years to 18, one repeatedly heard a line of argument which asserted that if a person is old enough to perform a particular social function--most frequently, fight for his country--he should be old enough to vote. Assuming the validity of this reasoning, the enclosed survey explores five such functions upon which the states have imposed a statutory minimum age limit.

In choosing to compile the statutes which provide the earliest age at which a youth may purchase alcoholic beverages, cigarettes or tobacco, obtain an unrestricted automobile operator's license, make a valid contract of marriage without consent of a parent or guardian, and make a valid will which disposes of all property, this report has attempted to develop a sense of that age at which state governments tend to begin recognizing social maturity in its young, thereby bestowing responsibility of adulthood.

An explanation and summary of each topic follows:

ALCOHOLIC BEVERAGES

Of the 50 states and the District of Columbia, only 11 allow any person under the age of 21 to purchase any kind of alcoholic beverage. Five of these allow only the purchase of beer or wine: the

District of Columbia, Mississippi, North Carolina, and Ohio, at 18; and South Dakota, at 19. In Arkansas, Louisiana, New York, Virginia, and Wyoming, one can purchase any alcoholic beverage at 18; and in Hawaii, at 20.

The value of this particular set of statistics, relative to voting rights, becomes somewhat minimized when one considers that during the hours polls are open, nobody can buy liquor.

CIGARETTES AND TOBACCO

To purchase cigarettes and tobacco, 11 states require the purchaser to be 21: Alabama, Arizona, Florida, Indiana, Michigan, Missouri, North Dakota, Oklahoma, Pennsylvania, Washington, and West Virginia; in Utah, the purchaser may be 19; he must be 18 in 22 states: Arkansas, California, Idaho, Illinois, Iowa, Kansas, Kentucky, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New York, Ohio, Oregon, South Carolina, South Dakota, Tennessee, Virginia, and Wyoming; 17 in three states: Delaware, North Carolina, and Vermont; 16 in six states: Connecticut, District of Columbia, Maine, New Jersey, Rhode Island, and Texas; and 15 in Hawaii and Maryland. Six states have no provision: Alaska, Colorado, Georgia, Louisiana, New Mexico, and Wisconsin.

UNRESTRICTED DRIVER'S LICENSE

To determine the age at which the fullest responsibility accrues to the individual in this area, this survey is confined to the age at which the state will grant a fully unrestricted driver's license, as opposed to a "learner's permit" which requires the holder to drive

only with another licensed driver in the vehicle, or a "junior permit," which allows the holder to drive only during certain hours.

Six states grant such a license at age 18: Massachusetts, New Hampshire, New York, Pennsylvania, Vermont and West Virginia, New Jersey grants it at 17. Eleven states grant it at 16: Alabama, California, District of Columbia, Iowa, Kansas, Maryland, Missouri, Nebraska, Oregon, Tennessee, and Wisconsin.

The remainder of the states have enacted more or less uniform provisions which require any minor's application for a driver's license to be signed by a parent or guardian, and in most instances, provide that any negligence on the part of the minor in operation of the motor vehicle will be imputed to the adult signor. Many of the states which grant the license to a minor under 18 require further that the applicant have taken an approved driver education course. The age at which the state will grant the license, and the age below which the state requires adult cosignor, vary greatly. The breakdown follows:

The vast majority of these states, grant the license to a minor at age 16, and require the signature of a parent or guardian upon the application of a minor under 18: Alaska, Arizona, Arkansas, Delaware, Florida, Georgia, Idaho, Kentucky, Michigan, Minnesota, Montana, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Rhode Island, South Dakota, Texas, Utah, Vermont, Virginia, and Wyoming. The state of Indiana gives the license at age 16 and one month, and requires the signature until age 18; Colorado, 16 and 17; Connecticut and South

Carolina, 16 and 21; Oklahoma, 16 and 16; Hawaii, 17 and 20; Illinois, 18 and 21; Louisiana, 15 and 21; Maine, 15 and 18; and Mississippi, 15 and 17.

MARRIAGE WITHOUT CONSENT

To best reflect maximum responsibility in the area of marriage, this survey has compiled the statutory age at which a person may validly contract marriage without consent of a parent, guardian, or the court.

Most states, 23, require the male to be 21 and the female to be 18; these are Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, District of Columbia, Idaho, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Minnesota, Missouri, Montana, New Jersey, New Mexico, North Dakota, Oklahoma, Oregon, Texas, Utah, Vermont, Washington, and Wisconsin. Two states, Maine and New Hampshire, require the male to be 20 and the female to be 18; four states, Louisiana, Nevada, South Dakota, and West Virginia, require the male to be 18 and the female to be 16. Hawaii requires both parties to be 20; Georgia requires both to be 19; and five states, Kentucky, Michigan, New York, North Carolina, and South Carolina, require both to be 18.

TESTAMENTARY CAPACITY

Before a person may validly dispose of his property by will, 14 states require the person to be 21: Alaska, Indiana, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Jersey, New Mexico, Oregon, Vermont, and Wyoming; two require him to be 20: Hawaii and Maine; 24 require him to be 18: Arkansas, California, Colorado, Connecticut, Delaware, Florida, Idaho, Illinois, Kentucky, Maryland,

Missouri, Montana, Nevada, New Hampshire, New York, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Dakota, Tennessee, Utah, and West Virginia; Louisiana requires him to be 16; and Georgia requires him to be 14.

The remainder of the states have various additional provisions. The District of Columbia requires a male to be 21, a female to be 18. Alabama and Virginia require the testator to be 21 to dispose of land, and 18 to dispose of personal property. Arizona and Pennsylvania grant testamentary capacity at age 21, or at age 18 for those in the military. In South Carolina, the testator must be 21, or 18 if married; in Washington, 21 or 18 if married or in the military; in Wisconsin, 21, or 18 if a married woman or in the military; and in Texas, 18 or in the military.



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