

Department of Planning and Budget
2002 Fiscal Impact Statement

1. Bill Number HB57

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron Purkey

3. Committee House of Justice

4. Title Possession of open container of alcohol in a motor vehicle; penalty.

5. Summary/Purpose:

This legislation proposes to amend the Code of Virginia by adding § 46.2-801.1, establishing a penalty for the possession of an open container of alcohol in a motor vehicle. Any person who violates this section shall be subject to a civil penalty and prosecution for a traffic infraction.

6. Fiscal Impact Estimates are preliminary: See item #8

7. Budget amendment necessary: No.

8. Fiscal implications:

Federal law requires that in the absence of a bill of this nature, 1.5 percent of all federal highway construction funds be diverted to a highway safety program. Since the open container legislation was not passed during the 2001 session, \$6.2 million of 2001 highway construction funds will be diverted to highway safety programs. It is important to note that the percentage transfer will double in FY03 to 3 percent. As a result, the diverted amount from highway construction to highway safety programs will increase to \$12.4 million in FY03 and FY04.

There could be additional revenue generated from the \$25 civil penalty, but the amount cannot be determined. Any additional revenue would be deposited to the Traffic Safety Fund.

9. Specific agency or political subdivisions affected: The Department of Transportation.

10. Technical amendment necessary: No.

11. Other comments: See SB148 and HB59.

Date: 02/05/02/jlm

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cc: Secretary of Transportation