

## Department of Planning and Budget 2008 Fiscal Impact Statement

**1. Bill Number:** HB27

House of Origin      X      Introduced                  Substitute                  Engrossed  
Second House                 In Committee              Substitute                  Enrolled

**2. Patron:**        Purkey

**3. Committee:** Militia, Police, and Public Safety

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

**5. Summary:** Possession of open container of alcohol in a motor vehicle; penalty. This bill provides that no person shall possess an alcoholic beverage in the passenger area of a motor vehicle upon a public highway of the Commonwealth in other than the manufacturer's unopened, original container. The bill punishes violators with a civil penalty of \$25.

**6. Fiscal impact estimates: Preliminary.** See Item 8 below.

**7. Budget amendment necessary:** No.

**8. Fiscal implications:** Enactment of this bill would enable Virginia to comply with federal open container requirements and avoid the additional transfer of federal highway funds. Federal law requires that a state have in effect a law that prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle (including possession or consumption by the driver of the vehicle) located on a public highway, or the right-of-way of a public highway.

Beginning in federal fiscal year 2001, those states not in compliance with federal law have been subject to the transfer of federal funds from highway construction to safety programs. Since Virginia did not enact open container legislation that meets federal requirements, \$5,811,049 was transferred from federal highway construction funds to safety programs in federal fiscal year 2001. In fiscal year 2002, \$6,207,765 was transferred. The transfer amounts increased to \$13,784,598 in fiscal year 2003 and \$14,366,903 in fiscal year 2004. Additionally, \$15,457,362, \$13,696,078, and \$16,281,147 were transferred in fiscal years 2005, 2006, and 2007, respectively.

**9. Specific agency or political subdivisions affected:** Department of Motor Vehicles, Virginia Department of Transportation.

**10. Technical amendment necessary:** No.

**11. Other comments:** None.

**Date:** 01/10/2008/jlv

**Document:** G:\08-10\FIS\HB27.Doc Janet Vogelgesang

**cc:** Secretary of Transportation