

Department of Planning and Budget 2011 Fiscal Impact Statement

1. **Bill Number:** SB1035

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

2. **Patron:** Barker

3. **Committee:** Transportation

4. **Title:** Alcoholic beverages; penalty for possession of open container of alcohol in a motor vehicle.

5. **Summary:** 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. All civil penalty revenues would be deposited to the Traffic Safety Fund.

6. **Budget Amendment Necessary:** No.

7. **Fiscal Impact Estimates:** Preliminary. See Item #8 below.

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, in the State. Beginning in federal Fiscal Year 2001, states not in compliance with federal law have been subject to the transfer of federal funds from highway construction to safety programs.

Since Virginia has not enacted open container legislation that meets federal requirements, funds have been transferred each year since 2001. In FY 2010, \$18,075,908 was transferred, for a grand total of \$137,212,287 since 2001. It should be noted that the transferred funds remained in transportation, but were reprogrammed to the safety arena.

9. **Specific Agency or Political Subdivisions Affected:** Department of Motor Vehicles, Virginia Department of Transportation.

10. **Technical Amendment Necessary:** No.

11. **Other Comments:** This bill is a companion to HB 1637.

Date: 1/20/11

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cc: Secretary of Transportation