

**Department of Planning and Budget   – Revised 02/04/02**  
**2002 Fiscal Impact Statement**

**1. Bill Number**   SB148

**House of Origin**   ☒ Introduced   ☐ Substitute   ☒ Engrossed

**Second House**   ☒ In Committee   ☐ Substitute   ☐ Enrolled

**2. Patron**        Norment

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

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

**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 HB57 and HB59.

**Date:** 02/04/02/jlm

**Document:** ( D G:\Leg02\SB148.DOC)

cc: Secretary of Transportation