

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 Passed Both Houses

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

5. Summary/Purpose:

This legislation amends § 18.2 -233.1 of the Code of Virginia by noting that the driver is presumed to have consumed an alcoholic beverage if (i) an open container is located within the passenger area of the motor vehicle, (ii) the alcoholic beverage in the open container has been at least partially removed, and (iii) the appearance, conduct, odor of alcohol, speech or other physical characteristic of the driver may be reasonably associated with the consumption of an alcoholic beverage. The passenger area is generally defined as the seat of the driver and any area within reach of the driver.

6. Fiscal Impact Estimates are final.

7. Budget amendment necessary: No.

8. Fiscal implications:

Federal law requires that in the absence of a bill similar to the introduced version of SB148, that 1.5 percent of all federal highway construction funds be diverted to a highway safety program. The enrolled bill does not provide provisions necessary to prevent the diversion of construction funds.

Since the open container legislation was not passed during the 2001 session, \$6.2 million of 2001 highway construction funds are 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.

9. Specific agency or political subdivisions affected: The Department of Transportation and the Department of Motor Vehicles.

10. Technical amendment necessary: No.

11. Other comments: None.

Date: 03/27/02/jlm

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cc: Secretary of Transportation