

Department of Planning and Budget 2007 Fiscal Impact Statement

1. **Bill Number:** HB1676

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. **Patron:** Purkey

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

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

5. **Summary/Purpose:** 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 are indeterminate.** See Item 8.

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

8. **Fiscal implications:** Enactment of this bill will bring the Commonwealth into compliance with the open container provisions of the federal Transportation Equity Act for the 21st Century (TEA-21) and thereby avoid the additional transfer of federal highway construction funds to safety programs. 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) located on a public highway, or the right-of-way of a public highway.

Since Virginia has not enacted open container legislation that meets federal requirements, the following amounts have continued to be transferred from federal highway construction funds to safety programs.

Federal Fiscal Year	Highway Dollars Transferred
2001	\$5,811,049
2002	\$6,207,765
2003	\$13,784,598
2004	\$14,366,903
2005	\$15,457,362
2006	\$13,696,078

It is expected that similar amounts would continue to be transferred if this legislation does not pass.

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

10. Technical amendment necessary: Yes. SB 820, enacted in the 2005 session, changed the name of Traffic Safety Fund and allowed for its administration by Drive Smart Virginia, to support community traffic safety programs through nonprofit entities. An amendment could direct the \$25 civil penalty to the Motor Vehicle Special Fund, to be used to design, implement, administer, and review special programs or projects needed to promote highway safety in the Commonwealth.

11. Other comments: None.

Date: 1/19/07/jlv

Document: G:\06-08\07 Budget Development\FIS\HB1676.Doc Janet Vogelgesang

cc: Secretary of Transportation