

Department of Planning and Budget 2009 Fiscal Impact Statement

1. Bill Number: HB1614

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: 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.

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 from road construction 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 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 did not enact open container legislation that meets federal requirements, a total of \$5,811,049 was transferred from federal highway construction funds to safety programs in federal fiscal year 2001. A total of \$6,207,765 was transferred in fiscal year 2002. The transfer amounts increased to \$13,784,598 in fiscal year 2003 and \$14,366,903 in fiscal year 2004. Additional amounts of \$15,457,362, \$13,696,078, and \$16,281,147 were transferred in fiscal years 2005, 2006, and 2007 respectively. An amount of \$16,673,109 was transferred in fiscal year 2008.

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: 1/12/09/jlv

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cc: Secretary of Transportation