

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 777 (Delegate Petzold, *et al.*)
Judiciary

Vehicle Laws - Alcoholic Beverages - Open Containers

This bill prohibits open containers of alcohol in the “passenger compartment” of a motor vehicle while that vehicle is in motion, stopped, standing, parked, or otherwise located on a highway. Passengers, other than the driver, riding in a passenger bus, a for hire vehicle, or the living quarters of a motor home are not prohibited from possessing open containers of alcohol. This violation carries a maximum fine of \$500.

Fiscal Summary

State Effect: General fund revenues would increase from the penalty provision applicable to this offense under the Maryland Vehicle Law (maximum \$500 fine). Any increase is assumed to be minimal. Enforcement could be handled with existing resources.

Local Effect: None. It is assumed that enforcement by local law enforcement agencies can be handled with existing revenues.

Small Business Effect: None.

Analysis

Current Law: A person may not consume an alcoholic beverage while driving a motor vehicle. A violator of this provision is subject to a \$520 fine. There are no laws regarding passengers and alcoholic consumption.

Background: Failure to conform the State's law on open containers to federal regulation by October 1, 2001 will alter federal funds allocated to the State under the Transportation Equity Act for the 21st Century. Funds allocated under specified highway programs would be transferred to safety programs emphasizing alcohol-impaired driving countermeasures or enforcement of drunk driving laws. Approximately \$3.85 million was transferred in fiscal 2001 and approximately \$3.85 million will be transferred in 2002, doubling to \$7.7 million in fiscal 2003 and each year thereafter. Overall total funding to the State would not be affected. This bill would make the necessary changes to conform State statute to federal regulations.

Additional Information

Prior Introductions: Substantially similar bills were introduced as SB 656 and HB 348 in 1999. SB 656 received an unfavorable report from the Senate Judicial Proceedings Committee and HB 348 received an unfavorable report from the House Judiciary Committee.

Cross File: SB 179 (Senator Lawlah, *et al.*) is a substantially similar bill.

Information Source(s): Department of Transportation (State Highway Administration, Motor Vehicle Administration), Department of State Police, Judiciary (District Court), Department of Legislative Services

Fiscal Note History: First Reader – February 19, 2001
ef/jr

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