

105TH CONGRESS
1ST SESSION

S. 1498

To require States to adopt laws prohibiting open alcoholic containers in automobiles.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 9, 1997

Mr. DORGAN (for himself, Mr. LAUTENBERG, Mr. BUMPERS, Mr. CONRAD, and Mr. WELLSTONE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To require States to adopt laws prohibiting open alcoholic containers in automobiles.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Drunk Driv-
5 ing Protection Act”.

6 **SEC. 2. OPEN CONTAINER LAWS.**

7 (a) ESTABLISHMENT.—Chapter I of title 23, United
8 States Code, is amended by inserting after section 153 the
9 following:

1 **“§ 154. Open container requirements**

2 “(a) DEFINITIONS.—In this section:

3 “(1) ALCOHOLIC BEVERAGE.—The term ‘alco-
4 holic beverage’ has the meaning given the term in
5 section 158(c).

6 “(2) MOTOR VEHICLE.—The term ‘motor vehi-
7 cle’ means a vehicle driven or drawn by mechanical
8 power and manufactured primarily for use on public
9 highways, but does not include a vehicle operated ex-
10 clusively on a rail or rails.

11 “(3) OPEN ALCOHOLIC BEVERAGE CON-
12 TAINER.—The term ‘open alcoholic beverage con-
13 tainer’ has the meaning given the term in section
14 410(i).

15 “(4) PASSENGER AREA.—The term ‘passenger
16 area’ shall have the meaning given the term by the
17 Secretary by regulation.

18 “(b) PENALTY.—

19 “(1) GENERAL RULE.—

20 “(A) FISCAL YEAR 2000.—If, at any time
21 in fiscal year 2000, a State does not have in ef-
22 fect a law described in subsection (c), the Sec-
23 retary shall transfer 1.5 percent of the funds
24 apportioned to the State for fiscal year 2001
25 under each of paragraphs (1)(A), (1)(C), and

1 (3) of section 104(b) to the apportionment of
2 the State under section 402.

3 “(B) FISCAL YEARS THEREAFTER.—If, at
4 any time in a fiscal year beginning after Sep-
5 tember 30, 2000, a State does not have in ef-
6 fect a law described in subsection (c), the Sec-
7 retary shall transfer 3 percent of the funds ap-
8 portioned to the State for the following fiscal
9 year under each of paragraphs (1)(A), (1)(C),
10 and (3) of section 104(b) to the apportionment
11 of the State under section 402.

12 “(c) OPEN CONTAINER LAWS.—

13 “(1) IN GENERAL.—For the purposes of this
14 section, each State shall have in effect a law that
15 prohibits the possession of any open alcoholic bev-
16 erage container, or the consumption of any alcoholic
17 beverage, in the passenger area of any motor vehicle
18 (including possession or consumption by the driver
19 of the vehicle) located on a public highway, or the
20 right-of-way of a public highway, in the State.

21 “(2) MOTOR VEHICLES DESIGNED TO TRANS-
22 PORT MANY PASSENGERS.—For the purposes of this
23 section, if a State has in effect a law that makes un-
24 lawful the possession of any open alcoholic beverage
25 container in the passenger area by the driver (but

1 not by a passenger) of a motor vehicle designed to
 2 transport more than 10 passengers (including the
 3 driver) while being used to provide charter transpor-
 4 tation of passengers, the State shall be deemed to
 5 have in effect a law described in this subsection with
 6 respect to such a motor vehicle for each fiscal year
 7 during which the law is in effect.

8 “(d) FEDERAL SHARE.—The Federal share of the
 9 cost of a project carried out under section 402 with funds
 10 transferred under subsection (b) to the apportionment of
 11 a State under section 402 shall be 100 percent.

12 “(e) TRANSFER OF OBLIGATION AUTHORITY.—

13 “(1) IN GENERAL.—If the Secretary transfers
 14 under subsection (b) any funds to the apportionment
 15 of a State under section 402 for a fiscal year, the
 16 Secretary shall allocate to the State an amount, de-
 17 termined under paragraph (2), of obligation author-
 18 ity distributed for the fiscal year for Federal-aid
 19 highways and highway safety construction programs
 20 for carrying out projects under section 402.

21 “(2) AMOUNT.—The amount of obligation au-
 22 thority referred to in paragraph (1) shall be deter-
 23 mined by multiplying—

24 “(A) the amount of funds transferred
 25 under subsection (b) to the apportionment of

1 the State under section 402 for the fiscal year;

2 by

3 “(B) the ratio that—

4 “(i) the amount of obligation author-
5 ity distributed for the fiscal year to the
6 State for Federal-aid highways and high-
7 way safety construction programs; bears to

8 “(ii) the total of the sums apportioned
9 to the State for Federal-aid highways and
10 highway safety construction programs (ex-
11 cluding sums not subject to any obligation
12 limitation) for the fiscal year.

13 “(f) LIMITATION ON APPLICABILITY OF HIGHWAY
14 SAFETY OBLIGATIONS.—Notwithstanding any other pro-
15 vision of law, no limitation on the total of obligations for
16 highway safety programs under section 402 shall apply to
17 funds transferred under subsection (b) to the apportion-
18 ment of a State under section 402.”.

19 (b) CONFORMING AMENDMENT.—The analysis for
20 chapter 1 of title 23, United States Code, is amended by
21 inserting after the item relating to section 153 the follow-
22 ing:

“154. Open container requirements.”.

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