

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1274-01
Bill No.: SB 291
Subject: Alcohol; Crimes and Punishment; Motor Vehicles
Type: Original
Date: February 9, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 3 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Prosecution Services** assumes prosecutors can handle this proposal with existing resources.

Officials from the **Office of the State Courts Administrator (CTS)** state the prosed legislation would expand the open container law. CTS states that, depending on the degree of enforcement, there may be an increase in the number of cases initially. However, after a period of adjustment, CTS would anticipate substantial compliance, and would not expect a significant impact on the workload of the judiciary.

Officials from the **Office of the State Public Defender** assumes that existing staff could provide representation for those few cases arising where indigent persons were charged possession of an open container in a motor vehicle. This proposal defines the possession as an infraction and would not require representation by the public defender system.

Officials from the **Department of Revenue** assume this proposal does not affect their agency.

Officials from the **Department of Transportation (DHT)** assume this legislation will expand Missouri's current anti-consumption law in Section 577.017, RSMo 2000, to include prohibiting the possession of open-alcoholic beverage containers by any passenger in an automobile, including the driver. The proposal also expands the law to pertain to motor vehicles whether moving or stopped and to the rights-of-way along the highway. An exception is provided for passengers in a chartered tour bus, in a recreational vehicles or to possession of an open alcoholic beverage container behind the last upright seat of a vehicle not equipped with a trunk.

DHT assumes this legislation is in compliance with the federal requirements in TEA 21. Therefore, DHT will not be required to transfer moneys in federal highway construction apportionments to Section 402 programs (drunk driving enforcement programs) and assumes no fiscal impact. The amounts that would have to be transferred in the absence of this or similar legislation would be \$5.2 million in FY 2002, and \$10.4 million in both FY 2003 and FY 2004.

Officials from the **Department of Public Safety - Divisions of Highway Safety and Missouri Highway Patrol** assume this proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	\$0	\$0	\$0

FISCAL IMPACT - Local Government

FY 2002
(10 Mo.)

FY 2003

FY 2004

\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal prohibits passengers, as well as drivers, from possessing or consuming an open container of an alcoholic beverage in a motor vehicle on a highway or a right-of-way. Chartered tour buses and recreational vehicles (RVs) are exempt from this rule.

This legislation would not duplicate any other program and would not require additional capital improvements or rental space. This legislation is, however, federally mandated.

SOURCES OF INFORMATION

Department of Transportation
Department of Revenue
Office of the State Public Defender
Office of Prosecution Services
Office of the State Courts Administrator
Department of Public Safety
 Division of Highway Safety
 Missouri Highway Patrol



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Director
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