

FISCAL NOTE

HB 3059 - SB 3042

January 28, 2008

SUMMARY OF BILL: Increases the penalty for any person consuming alcoholic beverages while driving a motor vehicle from a Class C misdemeanor to a Class B misdemeanor. Prohibits any person within the passenger area of a motor vehicle from possessing an open container of an alcoholic beverage. Creates a Class C misdemeanor for any such violation.

ESTIMATED FISCAL IMPACT:

Increase State Revenue - \$92,600

Increase Local Gov't. Revenue - \$4,900

Assumptions:

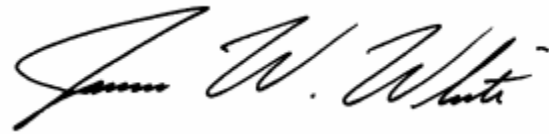
- The provision prohibiting the possession of an open container of an alcoholic beverage in the passenger area of a vehicle does not apply to motor homes, house trailers, buses, limousines, etc.
- According to the Department of Safety (DOS), applying the open container law to all vehicle occupants would increase the number of persons convicted annually.
- According to DOS, there are approximately 650 convictions each year for driving while consuming alcoholic beverages.
- The average fine for this Class C misdemeanor offense under current law is estimated to be \$50.
- The average fine for this Class B misdemeanor offense under the proposed bill is estimated to be \$200.
- The DOS estimates an additional 650 convictions per year for persons in possession of an open container of an alcoholic beverage while occupying the passenger area of a vehicle.
- The average fine for this Class C misdemeanor offense is estimated to be \$50.
- The increase of fines issued is estimated to be \$130,000 [(650 violations x \$150 increase) + (650 violations x \$50) = \$130,000] per year.
- 25% of fines issued will not be collected due to indigence.
- The total increase of violation revenue is estimated to be \$97,500 (\$130,000 x 75% = \$97,500) per year.
- County clerks receive 5% of violation revenue.

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- The increase to local government revenue is estimated to be \$4,900 (\$97,500 x 5% = \$4,875) per year.
- The increase to state revenue is estimated to be \$92,600 (\$97,500 - \$4,900 local share = \$92,600) per year.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/rnc