



Mothers Against Drunk Driving

## Virginia State

February 2002

### **MADD Virginia's Position on Open Container Bills SB148 (Senator Norment) and HB57 (Delegate Purkey)**

Virginia experienced an increase in the number of drunk driving fatalities in 2000 compared to 1999. With over 300 killed, and more than 8,000 injured in alcohol-related crashes, there is no doubt that this is a significant problem. The "Don't Drink and Drive" message is familiar to nearly everyone, but there are drivers who resist following this sensible advice. The old law that prohibited consuming alcoholic beverages while driving was a good idea, but drinking drivers long ago learned how to wriggle out of a conviction.

The Federal Government has offered highway construction funds as enticements for states to enact safety measures aimed at reducing drunk driving. Open Container is one of the laws that are recommended. Simply, this would not allow opened containers with any amount of alcoholic beverage within the passenger area of a private vehicle. This keeps the driver from drinking while driving.

Already there are 34 states and the District of Columbia with Open Container laws that comply with Federal guidelines. The logical exceptions to make a practical Open Container law have been worked out for all of them. Virginia only needs to borrow exception clauses from existing laws. Please note the following examples of how the Open Container laws work:

- ?? Passenger-carrying commercial vehicles for hire such as cabs, limousines, and buses would not be subject to this rule.
- ?? There are no points added to your record for an infraction of this law.
- ?? Unsealed containers locked in the glove compartment or trunk would be allowed.
- ?? Opened containers stored behind the rearmost upright seat in a van would be allowed.
- ?? Opened containers inside storage lockers in the beds of pickup trucks would be allowed.
- ?? The typical carrier for delivering sacramental wine to shut-ins holds about 1-1/2 to 2 ounces, similar to a travel-size plastic shampoo bottle, and could fit easily in a locked glove compartment.
- ?? Empty bottles and cans headed for the recycling station are required to be emptied and clean before they are recycled. Without alcoholic beverage contents, transporting them would not be against the law.
- ?? Law Enforcement officers transporting opened containers as evidence are exempt in the same way they are when transporting any other evidence.
- ?? Those who plan on transporting leftover liquor bottles after a party should plan on leaving room in the trunk.
- ?? Moonshine is illegal, so the seal being broken is a moot point.

The only activity that an Open Container law will prohibit is drinking while on the road. Continuing to party in a moving vehicle is about as sensible as playing ping-pong in the back seat. Some rights are more important than others. MADD has heard of many cases where drunken passengers have interfered with their sober drivers.

MADD has always advocated using a Designated Driver: the person who remains sober to drive others home. Establish the rules before you begin drinking; one of which should be that all drinking stops before getting into the car.

Some people make no plan on how they will get home, and there may not always be a safe-ride volunteer available. If you have to fight with someone who has had too much to drink in order to take him or her home, you are not MADD's kind of Designated Driver, and you might be risking your life in trying to save theirs. Drunken, combative passengers within reach of the driver are dangerous.