

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2471-02  
Bill No.: SB 660  
Subject: Alcohol; Motor Vehicles  
Type: Original  
Date: January 7, 2002

---

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>
None			
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 4 pages.

---

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Transportation (DHT)** stated this proposal would prevent the current annual transfer of federal highway construction monies to highway safety projects. For federal fiscal year 2001, DHT was required to transfer over \$6 million in federal highway fund apportionments because Missouri did not have a compliant open container prohibition.

DHT officials state that if Missouri continues to be in non-compliance with the federal requirements on open containers, Missouri's transfer will double to \$12 million annually beginning October 2002. These monies can only be spent on highway safety projects, like eliminating roadside hazards or drunk driving enforcement and can not be spent on new construction.

DHT states this proposal is in compliance with the federal requirements in TEA 21. Therefore, with passage of this legislation, DHT would not be required to transfer \$12 million in federal highway construction apportionments to Section 402 programs (drunk driving enforcement programs) and assumes no fiscal impact.

Officials from the **Department of Public Safety - Division of Highway Safety (DHS)** state that conforming legislation must be enacted by 10/01/2002, or 3% (\$10.5 million) of Highway Funds will transfer to the Division of Highway Safety. These funds must be used for alcohol-impaired driving countermeasures or DHT Hazard Elimination Projects. DHS states this transfer would remain in effect through FY 2005 (10/01/2004 - 9/30/2005) unless a revised federal bill is passed.

**Oversight** assumes these penalties are prospective and dependent on future events, and has excluded these costs from the estimate of fiscal impact.

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

Officials from the **Office of Prosecution Services** assumed as this is a revision of an existing crime, it should have no impact on prosecutors.

Officials from the **Office of the State Courts Administrator (CTS)** state the proposed 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.

In response to similar legislation from last year, 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 **Jefferson City Police Department** assumes the proposal would not fiscally impact their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

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

DESCRIPTION

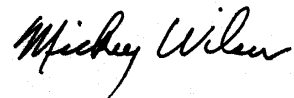
This proposal prohibits passengers, as well as drivers, from possessing or consuming an open container of an alcoholic beverage in a motor vehicle on a highway or a right-of-way. Chartered tour buses and RVs are exempt from this rule.

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

SOURCES OF INFORMATION

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

**NOT RESPONDING:**      **Columbia Police Department, Greene County Sheriff**



Mickey Wilson, CPA  
Acting Director

January 7, 2002