

104TH CONGRESS
1ST SESSION

S. 1353

To amend title 23, United States Code, to require the transfer of certain Federal highway funds to a State highway safety program if a State fails to prohibit open containers of alcoholic beverages and consumption of alcoholic beverages in the passenger area of motor vehicles, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 20 (legislative day, OCTOBER 18), 1995

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

A BILL

To amend title 23, United States Code, to require the transfer of certain Federal highway funds to a State highway safety program if a State fails to prohibit open containers of alcoholic beverages and consumption of alcoholic beverages in the passenger area of motor vehicles, and for other purposes.

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 Prevention Act of 1995”.

1 **SEC. 2. OPEN CONTAINER LAWS.**

2 (a) ESTABLISHMENT.—Chapter 1 of title 23, United
3 States Code, is amended by adding at the end the follow-
4 ing:

5 **“§ 161. Open container requirements**

6 “(a) PENALTY.—

7 “(1) GENERAL RULE.—

8 “(A) FISCAL YEAR 2000.—If, at any time
9 in fiscal year 2000, a State does not have in ef-
10 fect a law described in subsection (b), the Sec-
11 retary shall transfer 1.5 percent of the funds
12 apportioned to the State for fiscal year 2001
13 under each of paragraphs (1), (2), and (3) of
14 section 104(b) to the apportionment of the
15 State under section 402.

16 “(B) FISCAL YEARS THEREAFTER.—If, at
17 any time in a fiscal year beginning after Sep-
18 tember 30, 2000, a State does not have in ef-
19 fect a law described in subsection (b), the Sec-
20 retary shall transfer 3 percent of the funds ap-
21 portioned to the State for the succeeding fiscal
22 year under each of paragraphs (1), (2), and (3)
23 of section 104(b) to the apportionment of the
24 State under section 402.

25 “(b) OPEN CONTAINER LAWS.—For the purposes of
26 this section, each State shall have in effect a law that pro-

1 hibits the possession of any open alcoholic beverage con-
2 tainer, or the consumption of any alcoholic beverage, in
3 the passenger area of any motor vehicle (including posses-
4 sion or consumption by the driver of the vehicle) located
5 on a public highway, or the right-of-way of a public high-
6 way, in the State. If a State has in effect a law that makes
7 the possession of any open alcoholic beverage container
8 unlawful in the passenger area by the driver (but not by
9 a passenger) of a motor vehicle designed to transport more
10 than 10 passengers (including the driver) while being used
11 to provide charter transportation of passengers, the State
12 shall be deemed in compliance with subsection (a) with
13 respect to the motor vehicle for each fiscal year during
14 which the law is in effect.

15 “(c) FEDERAL SHARE.—The Federal share of the
16 cost of any project carried out under section 402 with
17 funds transferred under subsection (a) to the apportion-
18 ment of a State under section 402 shall be 100 percent.

19 “(d) TRANSFER OF OBLIGATION AUTHORITY.—If the
20 Secretary transfers under subsection (a) any funds to the
21 apportionment of a State under section 402 for a fiscal
22 year, the Secretary shall allocate an amount of obligation
23 authority distributed for the fiscal year to the State for
24 Federal-aid highways and highway safety construction

1 programs for carrying out only projects under section 402
2 that is determined by multiplying—

3 “(1) the amount of funds transferred under
4 subsection (a) to the apportionment of the State
5 under section 402 for the fiscal year; and

6 “(2) the ratio of the amount of obligation au-
7 thority distributed for the fiscal year to the State for
8 Federal-aid highways and highway safety construc-
9 tion programs to the total of the sums apportioned
10 to the State for Federal-aid highways and highway
11 safety construction (excluding sums not subject to
12 any obligation limitation) for the fiscal year.

13 “(e) LIMITATION ON APPLICABILITY OF HIGHWAY
14 SAFETY OBLIGATIONS.—Notwithstanding any other law,
15 no limitation on the total of obligations for highway safety
16 programs carried out by the Secretary under section 402
17 shall apply to funds transferred under subsection (a) to
18 the apportionment of a State under section 402.

19 “(f) DEFINITIONS.—In this section:

20 “(1) ALCOHOLIC BEVERAGE.—The term ‘alco-
21 holic beverage’ has the meaning provided in section
22 158(c).

23 “(2) MOTOR VEHICLE.—The term ‘motor vehi-
24 cle’ has the meaning provided in section 154(b).

1 “(3) OPEN ALCOHOLIC BEVERAGE CON-
2 TAINER.—The term ‘open alcoholic beverage con-
3 tainer’ has the meaning provided in section 410.

4 “(4) PASSENGER AREA.—The term ‘passenger
5 area’ shall have the meaning provided by the Sec-
6 retary by regulation.”.

7 (b) CONFORMING AMENDMENT.—The analysis for
8 chapter 1 of title 23, United States Code, is amended by
9 adding at the end the following:

“161. Open container requirements.”.

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