City's New OWL Law: Will It Work?

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“‘It won’t work’ has been a popular cry since Tuesday night when the City Council approved an ordinance that outlaws boozing it up while you're driving around in Lafayette.

Policemen are going to be burdened with stopping everyone who drives around with a glass, paper cup or can that’s inside one of those foam coolers. Or if they see a beer can or liquor bottle inside a car they will have to check to see if it’s open, if it has anything in it and find out who’s been drinking.

If someone is arrested, where will the police put them? The jails are overcrowded now.

And even if there were room in the jails, when are the courts going to find time from the already-packed schedule to try the new cases?

These are all good points being cited by the opponents. And sooner or later, they will have to be answered.

Court Decision

It might take a court decision to show whether the city comes up with the right answers. But officials say it’s worth the trying if they can keep a drunk driver from injuring or killing someone.

Lafayette’s new open container ordinance is expected to go into effect June 25 – 10 days after it is officially published in the city’s legal journal, The Daily Advertiser.

The publication is intended to inform the public of the details of the law but officials quickly admit they're going to have to do a fast promotion job to let people know about it.

Acting Police Chief James Romero admits that enforcement is going to be “hard to do.” Methods of enforcing the law are now being drafted.

“We’re not going to be able to stop everybody with a coffee cup,” Romero said. “We’ll just have to play it by ear.”

Romero said he expects a large number of drinking drivers to try to continue the practice. Some will try to hide their drinks by putting them in cups and stashing them between their knees. Some won’t even try to disguise it,” he said.

New Law

Although creating questions about its enforcement, the law is fairly clear in its intent:

“It shall be unlawful for any person to drink or consume alcoholic beverages in any private motor vehicle when such vehicle is on a public street within the city limits of Lafayette, Louisiana.

“It shall be unlawful for a person to have in his possession, while in a private motor vehicle upon a public street... any bottle, container or receptacle containing alcoholic beverages which has been opened or the seal broken or the contents of which have been partially removed except when such bottle, container or receptacle shall be kept in the trunk of the motor vehicle when such vehicle is equipped with a trunk or kept in some other area of the vehicle not normally occupied by the driver or passengers in the event the vehicle is not equipped with a trunk. A utility compartment of glove compartment shall be deemed to be within the area occupied by the driver or passengers.”

Anyone violating the ordinance faces fines up to $100 and 30 days in jail. Subsequent violations have maximum fines of $500 and 90-day jail sentences.

The penalties are stiff. But as the law’s author, Councilman W.M. “Dub” Hudson, says, “It’s hard to believe that people can’t drive across Lafayette without having a drink.”