Council bars driving with opened booze

By MIKE DUNNE
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It will soon be illegal for those operating motor vehicles in East Baton Rouge Parish to drive down the road with an open container of alcohol in their possession.

The Metro Council Wednesday approved a compromise to a stringent open-container law, which originally proposed to make it illegal for passengers as well as the driver.

The new law, which will become effective on the signature of Mayor Screen, provides for a stiff penalty for violators.

Despite support from several groups in town, the council voted 8-3 to approve a compromise offered by Councilman Larry Bankston to make the law applicable only to the driver.

Councilman Ben Peabody wanted the law to apply to all those in a vehicle, but he could not muster the necessary support.

The compromise also got the support of Mayor Screen, who had also supported the original but said he would be happy to get the compromise.

Bankston said that “as a councilman and as a lawyer” he had problems with the constitutionality of applying the law to all those in a vehicle.

Under the original, the driver could be cited for the conduct of his passengers.

While Bankston succeeded in cutting back the law to just the driver, his penalties are identical to a tough new first-offense, driving-while-intoxicated law that requires 48 hours mandatory jail time or community service and a stiff fine of not less than $125 nor more than $500.

B.J. Daley of the Mayor’s Task Force on Drunken Driving ticked off a long list of groups that have supported Peabody’s version of the open-container law, including the mayor’s own group.

Daley also cited a poll that said there is public support for such a law.

“The problem is not with people who are the age of majority but with people who are the age of minority,” Daley said.

Dr. Chapman Lee, a trauma surgeon at Our Lady of the Lake Regional Medical Center, cited statistics on the deaths attributable to drunken driving.

He said 60 percent of the nation’s auto fatalities have a connection to drunken driving.

Leslie Tassin, who described himself as a drinker, said:

“We have a terrible DWI problem in Baton Rouge... This will give the police department more ammunition to fight the problem.”

Ruth Well, whose son Gary was a DWI victim, also gave an emotional appeal for the Peabody version.

Dr. Harold Brandt, chairman of a council committee that researched juvenile drinking and president of the local Mothers Against Drunk Drivers, also argued heavily for the law.

It would give a “more accurate and ready visual cue” to drunken driving, he said.

“Open containers are part of the accident scene” in many juvenile auto fatalities, he said.

“A compromise will render it impotent,” he said.

Screen, however, disagreed.

“This may involve giving up some degree of freedom... What we are doing here is to make the city safer,” Screen said.

He said he didn’t think a compromise

(See CONTAINER, 12A)
57 of the open-container arrests in Lafayette were not prosecuted by that city's prosecutor.

Councilman Tom Ed McHugh said he would like to see a situation whereby an officer who sees someone riding in a car with an open alcohol container could stop the driver and require him to take a field sobriety test.

But Parish Attorney Lynn Williams said he doubted if that would be legal because it would be legislating probable cause to stop someone.

Police Legal Advisor Richard Redd said he didn't think "we could reach that far" for probable cause.

Joining Peabody and Welborn in voting against Bankston's successful version were Councilman V.M. "Lank" Corsentino, who had said earlier that he was not in favor of either proposal.

Voting for the Bankston version were Council members Bankston, Bergeron, Gordon Curry, Pearl George, John Marshall, McHugh, Jewel Newman and Mike Roubique. Councilman Don Ayres was absent due to illness.

For those drivers who travel by pickup truck, an open container of alcohol can be stored in a locked glove compartment — an amendment which the council made to Bankston's version.