Open-container bill wins quick OK in third try before House committee

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BATON ROUGE — A bill that prohibits carrying alcoholic beverages in an open container while in a moving private vehicle was unanimously approved by the House Criminal Law Committee Wednesday.

The measure was stopped twice before in the committee, but a reduction in the penalty and tightening of its language brought approval, according to its author, Rep. Ron Gomez, D-Lafayette.

The bill was amended in committee to provide a $125 fine for violation, which is a reduction from the $300 fine or 90 days in jail originally suggested.

In addition, the bill requires the operator of the vehicle to be responsible for everyone else in the vehicle if he knows others have open containers of alcoholic beverages.

Gomez said he was surprised, because of previous resistance, that there was no opposition to the bill when it came up before the committee the third time.

The legislation still has tough hurdles to get over: passing in the House and the Senate. Gomez said he feels public attention is helping the measure's chances for adoption.

A similar ban on open bottles, cups or cans of alcoholic beverages in cars and trucks passed the Lafayette City Council in a 3-2 vote Tuesday.

Violation of the city ordinance, which goes into effect in 10 days, could mean up to a $100 fine and 30 days in jail on first offense. Maximum penalties for subsequent violations are $500 and 90 days.

"Those who want to drink will have to go to bars, that will make the owners happy, or home, and that will make their families happy," said supporter Susan Winkler.

Winkler is a member of Mothers Against Drunk Driving, which lobbied heavily for the measure.

It was strongly opposed by some councilmen.

"It will intimidate and inconvenience a lot of innocent people," said Councilman Robert Domingue.

He said it would allow police to stop drivers on suspicion for having a baby bottle in the car.

Lafayette Mayor Dud Lastrapes said he was willing to sign the law into effect immediately, but the council decided to have a 10-day period to permit drivers to become aware of it.

A vehicle’s glove box and utility compartment are considered part of the interior in the law, although previously opened alcoholic beverages may legally be kept in a car trunk.

The Lafayette ordinance does not apply to passengers in licensed carriers such as commercial buses, taxis and commercial limousines.