Push for open container laws gets new life

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July 12, 1998
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LAFAYETTE — Advocates of tougher drunken driving laws were frustrated recently when they lost a bid to force states to ban open alcohol containers from vehicles. Now their defeat is turning into victory.

The Internal Revenue Service reform legislation passed by Congress last week includes a measure requiring states to pass open container laws, complete with minimum penalties, by October 2001.

States that fail to respond will have 1.5 percent of their federal transportation aid redirected to safety programs. States that don’t pass the laws by October 2003 will have 3 percent of their federal highway money redirected.

A technical error led to the dropping of a similar measure from the massive six-year highway reauthorization bill passed by Congress this spring.

In Louisiana, one of 23 states without statewide open container laws, the diversion of 1.5 percent of highway aid for one year would take away nearly $6.3 million, based on what the state expects to receive under the new six-year highway aid formula. Three percent equals nearly $12.6 million.

Although no open container law covers the entire state, Lafayette and other cities have passed local open container laws of their own.

If President Clinton signs the IRS reform bill containing the open container provision, states will be asked to forbid the presence of alcohol containers with broken seals from vehicles.

The new federal provision will require states to set penalties for repeat offenders. The penalties must include a one-year license suspension, vehicle impoundment or use of an ignition interlock, and community service or jail time.

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Despite the potential loss of money for highway work, an open container law would be a good deal for Louisiana, said Executive Director Jim Champagne of the Louisiana Highway Safety Commission.

“It’s another tool to help us deal with the problem of alcohol-related traffic fatalities,” Champagne said.

Minimal effect on fatalities

Twenty-seven states and the District of Columbia have open container laws already, although not all of them are tough enough to meet the new federal requirements. Statistics from the U.S. Census Bureau and the federal Fatality Analysis Reporting System show that the laws, by themselves, haven’t had a big impact on traffic fatalities.

In 1995 and 1996, the number of highway fatalities per 100,000 members of the population was actually larger in states with open container laws than in states without them.

“We have to look over and above the statistics and ask ourselves, does this state have a problem with drunk driving?” Champagne said. “And if it does, you do what you can to stop it.”

La. third in highway alcohol fatalities

The federal highway fatality statistics say that in 1995, alcohol played a role in 53 percent of Louisiana’s 883 traffic fatalities. Only Texas (56 percent) and Alaska (54 percent) could blame alcohol for a higher percentage of their highway deaths.

Although he supports the open container law, Champagne thinks the Legislature will have to be careful to craft a law that can be enforced. Louisiana police can set up checkpoints only to check for minimum-insurance compliance.

“Candidly, what you’re talking about is having an officer patrolling around and looking at cars to see if there’s an open container of alcohol,” Champagne said. “It would be difficult to do that.”

Philosophically speaking

State Sen. Donald Cravins, D-Arnaudville, said he believes an open container law could pass, although the federal mandate and the strength of the liquor lobby will probably turn the debate into a rugged political fight.

“Philosophically, people wouldn’t have much trouble with it,” Cravins said. “I certainly wouldn’t.

“But you do get tired of the federal government handing down mandates. It’s the sort of thing that will generate more debate than it would otherwise.”

The beer and liquor industry, perhaps feeling economic pressure from new restrictions on drinking, has generally opposed the measure. Conversations with industry spokesman make it clear that the federal mandate is the industry’s point of attack.

Jeff Becker, spokesman for the Beer Institute, and John Burcham, executive director of the National Association of Beverage Retailers, both said their groups object to the federal government’s role in the move toward new open container laws.

“The real problem with drunk driving,” Burcham said, “is the repeat offender, the guy who gets really bombed and kills somebody else and then gets a slap on the wrist. The way to solve the problem is to keep those guys off the road.

“It gets back to philosophy — individual responsibility. We’re trained to think in this country that if there’s a problem, we’ll just pass a law.”