Task force backs open container law

By CARL REDMAN
Advocate staff writer

Members of the mayor's special DWI Task Force wasted no time Tuesday getting involved in local legislative issues when they endorsed an open container ordinance being proposed for East Baton Rouge Parish.

Representatives of the specially created anti-drunk driving task force are expected to appear before the Metro Council's Executive Committee on Wednesday to urge passage of an ordinance that would prohibit possession of opened alcoholic beverages in cars and other motor vehicles.

In addition, the task force — which held its first meeting Tuesday evening — also received copies of a Minnesota "nickel-a-drink" proposal and is expected to study the idea of promoting a similar local tax to help pay for programs aimed at getting the drunken drivers off the road.

The DWI Task Force was appointed by Mayor Screen early this month to review the local system for apprehension, prosecution and probation of drunken drivers and make recommendations for improving that system.

Although the task force was holding only its first meeting, it didn't hesitate to begin with a recommendation that the Metro Council support an ordinance being proposed by Councilman Ben Peabody Jr., who is a member of the task force.

"This is the law in other states and other cities, and it has had an effect where they have it," Peabody told the task force. "It has been shown that an open container law reduces DWI arrests. This is coming, more and more cities are supporting it, and Baton Rouge can be in the forefront of that effort. If we can get enough cities to do this, then maybe the state Legislature will adopt it."

The open container law is not aimed at forcing people to stop drinking, just to stop them from drinking while they're driving, Peabody said.

"Some have said we should target this toward teen-agers, and we hope this does have an impact on them," he said. "They're the ones with no place to go, so they drive around drinking in their cars or parking in the parks."

The draft ordinance Peabody will take before the council Executive Committee provides the following:

- It would be against the law for anyone to drink an alcoholic beverage in a private motor vehicle on a public street.
- It would be against the law for the owner or driver of a motor vehicle to

(See DWI, 7A)

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allow an opened alcoholic beverage in his vehicle.

- The law would not apply to licensed motor carriers, such as bus lines and charter services.
- Conviction would carry a fine of up to $500 and/or a jail term of not more than six months.

Peabody said many people have told him they support the law, but are concerned about what it would do to the motor home parties that are a tradition before and after LSU football games.

And, he said, others have expressed concern that the law could be used by police officers to harass motorists.

However, Peabody said, it would be pointless to enact a law, but then start talking about suspending it for football games or exempting motor homes and vans from its provisions.

Mayor Screen has spoken in favor of an open container law, and police chief Pat Bonanno said police officers would need probable cause before they could stop a motorist for a violation of the law.

In addition to working for passage of the open container ordinance, City Court Judge Darrell White asked members to look at the idea of a "nickel-a-drink" tax.

"Basically, the concept is to tax alcohol at the wholesale level and put the (nickel) tax only on alcohol that is for on-premises consumption like in a restaurant or lounge," White said.

He said the tax would exempt alcohol consumed in the home since most people convicted of driving while intoxicated have done their drinking in a public place.

Baton Rouge has some very good anti-drunken driving programs — such as special police patents and beefed-up courts — but the city-parish cannot expect federal and state governments to pay for those programs forever, White said.

Those programs need funding on a permanent basis, and a nickel-a-drink tax would put the burden of the programs squarely on the shoulders of those who use them most — drinking drivers, he said.

A nickel-a-drink tax was proposed during the 1982 session of the Legislature, but it died without coming up for a vote, according to Dr. Harold Brandt of Mothers Against Drunk Drivers.

"When they were talking about this at the state level in 1982, they estimated it would generate between $40 million and $80 million in the state," Brandt said.

"That's a substantial amount of money, but it is the amount we need to keep things going. . . . Those who use the programs would contribute most."