

HB

521

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

NAME: WILMA TYLER

TITLE:

ADDRESS: 242 INA

CITY: FAIRBANKS

PHONE: 456-7894

ZIP: 99701

BILL NO: HB 521

SUBJECT: OPEN CONTAINERS/ALCOHOL IN MOTOR VEHICLES

MESSAGE: I STRONGLY URGE THAT YOU PASS THIS BILL.

EOM-FZ

POHID: 07103642

DATE: 04/26/88

TIME: 10:36:42

LIONAME: FAIRBANKS LIO

COPIES: SENATORS

HALFORD

KELLY

SZYMANSKI

ZHAROFF

BINKLEY

DUNCAN

FISCHER

HEISLEY

UEHLING

FANNING

JONES

JOSEPHSON

KERTTULA

FAIKS

RODEY

ELIASON

FAHRENKAMP

COGHILL

ABOOD

Alaska State Legislature

ARLISS STURGULEWSKI Chairman
TIM KELLY Vice Chairman
RICK HALFORD
MIKE SZYMANSKI
FRED ZHAROFF

P. O. BOX 1
JUNEAU, ALASKA 99801
1907-485-4969

Senate

Community and Regional Affairs Committee

April 26, 1988

TO: Members,
Senate Community and Regional Affairs Committee

FROM: Staff *Mc*
Senate Community and Regional Affairs Committee

RE: SCS for CS for HB 521 (C&RA) - "An Act relating to open containers of alcoholic beverages in motor vehicles."

Included in this packet is a memo from the sponsor explaining the bill and zero fiscal notes from the departments of Health and Social Services and Public Safety. Public Safety also has a bill analysis and position paper in support of the bill from Public Safety. A bill history is also included.

Letters of support from the Municipality of Anchorage Health and Human Services Commission, the Fairbanks and Anchorage chapters of MADD, the Fairbanks Native Association, and the Alaska Council on Prevention of Alcohol and Drug Abuse are attached. The last item in the packet is a House Research report on open container laws in other states and in Alaskan municipalities.

A copy of a proposed C&RA CS is in this packet. The only change in this CS is the addition of subsection (b)(3) on lines 23 and 24, page 1. This addition would allow the transportation of an open container behind a solid partition that separates the vehicle driver from the area normally occupied by passengers.

The provision is aimed at limousines. I have checked with Major McConnaughey of the troopers and Senator Hackney of the Fairbanks chapter of MADD. Both of them support the addition, as do representatives of the limousine industry.

Alaska State Legislature

STEVE FRANK

DISTRICT 20A
Finance Committee

1125 Sunset Drive
Fairbanks, Alaska 99701



White in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-3709

House of Representatives

TO: The Senate Community &
Regional Affairs Committee

FROM: Representative *Steve Frank* Steve Frank

RE: CS House Bill 521 (Jud) - "An Act relating to
open containers of alcoholic beverages in motor
vehicles"

DATE: April 26, 1988

CSHB 521 (Jud) would make it illegal to carry open containers of alcoholic beverages in the passenger compartment of a motor vehicle. A person in violation would be guilty of an infraction, which is punishable by a fine of up to \$300.

Alaska Administrative Code 13 02 545 prohibits drinking while driving; however, no statute or regulation exists prohibiting having an open container of alcohol in a vehicle. Therefore, the existing regulation cannot be enforced unless an officer actually sees the driver of a vehicle consuming an alcoholic beverage.

This bill would allow for open containers (including containers with a broken seal) to be carried in the trunk of a vehicle. In the case of a station wagon, hatch back, or similar vehicle that has no trunk or separate storage compartment, open containers could be transported, within another container, behind the last upright seat of the vehicle. One could also carry an open container within another container on a motor driven cycle, but there is no restriction on placement of the container since motorcycles have no area or compartment that is inaccessible to the driver.

House Bill 521 has broad statewide support from such groups as the Anchorage and Fairbanks chapters of Mothers Against Drunk Driving (MADD), the Fairbanks Native Association, and the Alaska Council on the Prevention of Alcohol and Drug Abuse. It is also supported by the Department of Health and Social Services (State Office of Alcoholism and Drug Abuse - SOADA) and the Department of Public Safety.

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: HB 521
PUBLISH DATE: HOUSE 3/7/88

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act relating to open containers
of alcoholic beverages in motor vehicles."
Sponsor: Frank
Requestor: N/A
Agency Affected: Health & Social Services
BRU: Alcoholism & Drug Abuse
Components: Alcohol Abuse Grant

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

[Empty box for analysis]

Prepared by: Matthew Felix by George Mundell Phone: 586-6201
Division: Alcoholism and Drug Abuse Date: 3/3/88

Approved by Commissioner: *Myra M. Munson* DHSS Date: 3/4/88
Agency: *George Mundell*

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

FISCAL NOTE

REQUEST

Revision Date: _____
Title: "An Act relating to open containers
of alcoholic beverages in vehicles."
Sponsor: Rep. Frank
Requestor: House State Affairs

Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: Detachments

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Francis C. Allan *F.C.A.*
Division: Alaska State Troopers

Phone: 269-5691
Date: 2/23/88

Approved by Commissioner: _____
Agency: Public Safety

Date: _____

Distribution: (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Public Safety	DIVISION Alaska State Troopers	BILL NUMBER HB 521	SPONSOR Rep. Frank
SHORT TITLE OF BILL Open containers of alcoholic beverages			
DEPARTMENT POSITION Support			
PREPARED BY Col. Robert E. Jent	DATE 2/29/88	COMMISSIONER'S SIGNATURE <i>Arthur Eng</i>	DATE

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of law All law enforcement agencies	CONSTITUENT GROUP(S) AFFECTED BY BILL All licensed drivers
ORGANIZATIONAL SUPPORT FOR BILL	ORGANIZATIONAL OPPOSITION TO BILL

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

This bill makes it an infraction for a person to drive a motor vehicle while there is an open container of alcoholic beverages in the passenger compartment. The basic purpose of the legislation is to discourage drinking while driving.

ANALYSIS OF BILL/PROGRAM EFFECTS

Nationally, the majority of serious and fatal accidents are connected with alcohol use by the driver. This measure will provide law enforcement officers with an additional deterrent to address this problem, although effective enforcement on a constant basis may prove difficult.

AMENDMENTS PROPOSED

This bill provides that a person is deemed to have consented to a preliminary breath test (PBT) if he drives with an open container in the vehicle. In Leslie v. State, 711 P. 2d 575 (Ct. App. 1986) the court of appeals held that a PBT result could not be used to help an officer decide whether to arrest a subject; the officer already has to have probable cause to arrest before he can require the driver to take a preliminary breath test. The bill, as presently drafted, does not address this issue.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

BILL NO: HB 521

DATE: 2/29/88

TITLE: "An Act relating to open containers of alcoholic beverages in motor vehicles."

CONTACT: Col. Robert E. Jent
269-5641

DEPARTMENT OF PUBLIC SAFETY

RECEIVED

This bill makes it an infraction for a person to drive a motor vehicle while there is an open container of alcoholic beverages in the passenger compartment. The basic purpose of the legislation is to discourage drinking while driving.

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This bill provides that a person is deemed to have consented to a preliminary breath test (PBT) if he drives with an open container in the vehicle. In Leslie v. State, 711 p. 2d 575 (Ct. App. 1986) the court of appeals held that a PBT result could not be used to help an officer decide whether to arrest a subject; the officer already has to have probable cause to arrest before he can require the driver to take a preliminary breath test. The bill, as presently drafted, does not address this issue.

The Department of Public Safety supports this legislation.


Arthur English
Commissioner

BILL: HB 521
 NAME: CSHB 521(JUD)
 TITLE: "An Act relating to open containers of alcoholic beverages in motor vehicles."

PRIME SPONSOR: FRANK
 CO-SPONSOR: MILLER, KOPONEN, ULMER, COLLINS, PEARCE, HUDSON

CURRENT STATUS: (S) CRA STATUS DATE: 04/20/88
 THEN JUD

Selection=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
HELP		EXIT	MENU	TEXT	PRINT	BWD	FWD		FIRST	LAST	QUIT
HB 521				Bill/Resolution Action							Page 2 of 3

Current Status: (S) CRA

	Jrn-Date	Jrn-Pg		Action
1	02/15/88	2224	(H)	READ THE FIRST TIME - REFERRAL(S)
2	02/15/88	2224	(H)	STATE AFFAIRS THEN JUDICIARY
3	02/17/88	2276	(H)	CO-SPONSOR ADDED: COLLINS, PEARCE
4	02/22/88	2319	(H)	CO-SPONSOR ADDED: HUDSON
5	03/07/88	2469	(H)	STA RPT 4DP
6	03/07/88	2469	(H)	2 ZERO FISCAL NOTES PUBLISHED 3/7/88
7	03/21/88	2645	(H)	JUD RPT CS(JUD) 5DP
8	04/19/88		(H)	RULES TO CALENDAR 4/19/88
9	04/19/88	3025	(H)	READ THE SECOND TIME
10	04/19/88	3026	(H)	JUD CS ADOPTED UNAN CONSENT
11	04/19/88	3026	(H)	ADVANCED TO THIRD READING UNAN CONSENT
12	04/19/88	3026	(H)	READ THE THIRD TIME CSHB 521(JUD)
13	04/19/88	3026	(H)	AMENDMENT NO 1 BY PETTYJOHN
14	04/19/88	3026	(H)	RETURN TO SECOND FOR AM 1 Y25 Y13 X1 A1
15	04/19/88	3027	(H)	AM NO 1 FAILED Y8 N30 X1 A1
16	04/19/88	3028	(H)	PASSED Y38 N- X1 A1
17	04/19/88	3031	(H)	SHULTZ NOTICE OF RECONSIDERATION
18	04/19/88	3031	(H)	RECON TAKEN UP SAME DAY UNAN CONSENT

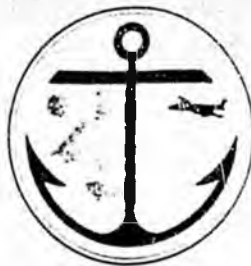
Selection=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
HELP		EXIT	MENU	TEXT	PRINT	BWD	FWD		FIRST	LAST	QUIT
HB 521				Bill/Resolution Action							Page 3 of 3

Current Status: (S) CRA

	Jrn-Date	Jrn-Pg		Action
1	04/19/88	3031	(H)	PASSED ON RECONSIDERATION Y38 N1 X1
2	04/19/88	3032	(H)	TRANSMITTED TO (S)
3	04/20/88	3110	(S)	READ THE FIRST TIME - REFERRAL(S)
4	04/20/88	3110	(S)	CRA, THEN JUDICIARY

Municipality of Anchorage



P.O. BOX 196650
ANCHORAGE, ALASKA 99519-6650
(907) 343-4674

Tom Fink
MAYOR

MUNICIPAL HEALTH & HUMAN SERVICES COMMISSION

March 9, 1988

Representative Fran Ulmer
House State Affairs Committee, Chair
Alaska State Legislature
POB V
Juneau, Alaska 99811

Dear Representative Ulmer,

The Municipal Health and Human Services Commission would like to lend their full support to the passage of HB 521. Although there was a decrease in alcohol related motor vehicle fatalities between 1986 and 1987, preliminary results of a state study indicate that long term trends are not as promising.

The Anchorage Health and Human Services Plan (January 1988) ranks substance abuse as the second highest behavioral and mental health priority. Prohibiting open containers in motor vehicles is an important measure in Alaska's continuing efforts to reduce the social and economic devastation attributable to substance abuse.

Volume 3 of the plan, Policy Recommendations and Objectives, proposes altering public opinion about the acceptability of the social and recreational use of drugs and alcohol in the community-at-large (see page 4-98, Objective #2). Passage of HB521 would promote changing community norms regarding drug and alcohol use.

If I can answer any questions, I would be happy to. You can reach me at 562-2828 or, our staff at 343-4674.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gari B. Andreini".

Gari B. Andreini, Chair
Municipal Health and Human Services Commission

cc: Representative Steve Frank, Sponsor
House State Affairs Committee
Anchorage Municipal Assembly
Tom Fink, Mayor, Municipality of Anchorage
Ron Garzini, Manager, Municipality of Anchorage
Robert A. (Bert) Hall, Director, Department of Health and Human Services,
Municipality of Anchorage

SJ9/dPD20

MADD

MOTHERS AGAINST DRUNK DRIVERS

Fairbanks Northern Lights Chapter

P.O. Box 1167

Fairbanks, Alaska 99707-1167

(907) 456-3964

March 3, 1988

Rep. Frances Ulmer, Chairman
House State Affairs Committee
P.O. Box V
Juneau, Alaska 99811

Dear Rep. Ulmer,

The Fairbanks Northern Lights Chapter of Mothers Against Drunk Driving strongly supports passage of HB 521, the Open Container Bill.

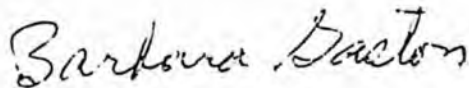
MADD's stand against drinking and driving is well known. Drinking while driving is a doubly dangerous activity. It not only contributes to a higher blood alcohol level, but is a distraction from the serious business of safely operating a motor vehicle.

We constantly read vehicle crash reports wherein the investigating officer has inserted comments such as, 'numerous empty beer cans were observed in the vehicle', or 'strong odor of an alcoholic beverage was apparent in the vehicle'. Beer cans or liquor bottles are found stuffed under seats, or close by vehicles at crash sites, where they have obviously been tossed out after a crash. Partially empty six packs are common currency in vehicle crash reports.

The only safe place for alcohol in a motor vehicle is in a sealed container, or mixed in the tank with gasoline. Please give an assist to safety on the highways, airways and waterways of Alaska by passing out HB 521 with a 'do-pass' endorsement from the House State Affairs Committee.

We ask that you share these comments with other committee members.

Sincerely yours,



Barbara Gaston, President
Fairbanks Northern Lights
Chapter MADD

✓ cc: Rep. Steve Frank, Prime Sponsor HB 521

SCOTT & WESLEY GERRISH
MEMORIAL

M A D D

ANCHORAGE, ALASKA
CHAPTER

MAILING ADDRESS:
733 West 4th Avenue, Box 821
Anchorage, AK 99501

(907) 258-MADD

BUSINESS ADDRESS
733 West 4th Avenue, Suite 304
Anchorage, AK 99501

March 1, 1988

Rep. Steve Frank
P.O. Box V
Juneau, AK 99811

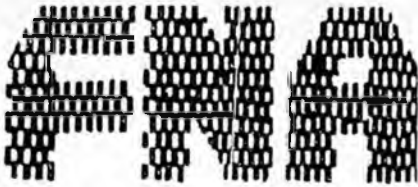
Dear Rep. Frank,

On behalf of the Anchorage Chapter of Mothers Against Drunk Driving, I would like to endorse House Bill #521. This bill regarding open containers of alcoholic beverages in automobiles is long overdue in Alaska. There are very few states in our country that have not passed similar legislation. This bill would give the message to the citizens, especially the teenagers, of this state that the legislature is committed to eliminating the drunk driving problem in Alaska. I wish you the best in passing this bill into law.

Sincerely,

Barbara B Mills
Barbara B. Mills, President
Anchorage Chapter MADD

MODIFYING
ATTITUDES
TOWARDS
DRIVING AND
DRINKING



FAIRBANKS NATIVE ASSOCIATION, INC.

310½ First Avenue
Fairbanks, Alaska 99701
Phone: (907) 452-1642 / 456-5151

February 29, 1988

Representative Fran Ulmer
Chairman, House State Affairs Committee
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Representative Ulmer:

The abuse of alcohol and the resulting tragedies associated with this abuse are a primary concern to the Fairbanks Native Association. Among the perils related to alcohol abuse are those which happen due to drunk driving.

FNA is aware of Representative Steve Frank's proposed "Open Container Law", HB 521. In our continuing work towards eliminating alcoholism we do support HB 521. FNA sees this as an important step towards curbing drunk driving and the related deaths, accidents and other tragedies.

We hope you will support this bill in the interest of Alaska's efforts to combat drunk driving and alcohol abuse.

Sincerely,

Samuel S. Demientieff
Acting Executive Director

cc: Representative Steve Frank

ADMINISTRATION/ACCOUNTING
452-1648 or 456-5151

JOHNSON O'MALLEY
EDUCATIONAL PROGRAM

"SAAKKAAYA CENTER"
451-6201 or 451-6211

BUSINESS AND MANPOWER
DEVELOPMENT
452-1648

WOMEN'S EDUCATION PROGRAM
451-8592

COMMUNITY SERVICES
452-1648

Counseling Services
452-1648

Child Welfare
452-1648

Family Focus
452-5802

Small Business Assistance
451-8466

ALCOHOL AND DRUG ABUSE SERVICES

Drop-In Center
456-7948

Out-Patient Services
456-1041
456-1101

Fairbanks Alcohol Safety
Action Program
452-6144

Youth Drug Abuse Prevention
452-5085

Director
452-1648 Ext. 15

RCAOA Detox Center
456-1053

RCAOA Treatment Center
456-1045

RCAOA Halfway House
452-8761

Substance Abuse Regional Counselor Training Program
452-7045



ALASKA COUNCIL ON PREVENTION OF ALCOHOL AND DRUG ABUSE, INC.

March 1, 1988

Rep. Fran Ulmer, Chairwoman
House State Affairs Committee
P.O. Box V
Juneau, AK 99811

Dear Chairwoman Ulmer:

I understand that two bills regarding alcohol will be considered in House State Affairs Committee on Friday, March 4. The Alaska Council supports both pieces of legislation and asks that the following comments be read into the record at that time, if at all possible.

HB 500:

The Alaska Council on Prevention of Alcohol and Drug Abuse supports HB 500 which relates to membership on the Alcoholic Beverage Control Board. Public awareness of the severity of alcohol abuse in Alaska is increasing and this bill will help continue that process. The Alaska Council is encouraged by the proposed changes which would require that one member of the board be knowledgeable of alcohol and substance abuse problems. The presence of a substance abuse professional on the ABC Board would be a responsible step toward increasing awareness of the effects of alcohol on individuals and communities.

The Alcoholic Beverage Control Board's decisions impact the health and well being of the citizens of Alaska. The Alaska Council feels that informed, responsible decision making at the state level is crucial to alcohol prevention efforts. Passage of HB 500 will send a positive message that legislators recognize the need for continued awareness of the problems associated with alcohol use and abuse.

HB 521:

The Alaska Council supports HB 521, relating to open containers of alcoholic beverages in motor vehicles. Drinking and driving are a dangerous, often fatal, combination which should be strongly discouraged.



A United Way Agency

7521 OLD SEWARD HWY., SUITE A ANCHORAGE, ALASKA 99518 (907) 349-6602

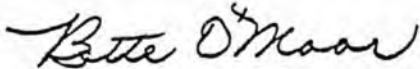
March 1, 1988
Page Two

In 1985, 58 traffic accidents resulted in 69 alcohol-related deaths in Alaska. Youth under age 21 accounted for 14 percent of these driving fatalities even though this same age group only holds 7.1 percent of the drivers licenses. Measures, such as enacting HB 521, need to be taken to reduce the number of lives that are lost each year in alcohol-related accidents.

The Alaska Council hopes that the House State Affairs Committee will act favorably on HB 521 and take this opportunity to help protect the lives of Alaskans.

Thank you, Chairwoman Ulmer, for sponsoring HB 500 and hearing other bills in House State Affairs Committee which support prevention of alcohol and drug abuse in our state.

Sincerely,



Bette O'Moor
Executive Director

cc: Rep. Steve Frank



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

P.O. Box Y, State Capitol
Juneau, Alaska 99811-3100
Mail Stop 3100
(907) 465-3991

March 4, 1988

MEMORANDUM

TO: Representative Steve Frank

ATTN: Teresa Sager-Stancliff

FROM: Patricia Brawley *pb*
Legislative Analyst

RE: Open Container Laws in Other States and Alaska Communities
Research Request 88.200

You asked this agency to provide the names of states with laws prohibiting possession of open containers of alcoholic beverages in vehicles. You also wished to know which Alaska communities have ordinances prohibiting the same. Because of increased national awareness of public health and safety problems associated with drinking and driving, more stringent legislation is the trend throughout the country. The attached information, updated to January 1988, from the National Highway Traffic Safety Administration's, Digest of State Alcohol--Highway Safety Related Legislation, shows which states currently prohibit the possession of open containers in vehicles, as well as which states have laws prohibiting consumption of alcoholic beverages in motor vehicles.

State Laws

Fourteen states have very strict laws which prohibit the possession of open containers and prohibit any consumption of alcoholic beverages in motor vehicles. These states are California, Hawaii, Iowa, Kansas, Michigan, Minnesota, Montana, North Dakota, Oklahoma, Oregon, South Carolina, Utah, Washington, and Wisconsin.

Three states--Idaho, Illinois, and South Dakota--prohibit open containers in motor vehicles but are silent on consumption--consumption being implicitly prohibited in the absence of an open container.

Maryland and North Carolina prohibit open containers from driver access in motor vehicles and prohibit consumption of alcoholic beverages by drivers.

Representative Frank
March 4, 1988
Page 2

Ten states and the District of Columbia do not prohibit open containers, but do prohibit any consumption--by passenger or driver--of alcoholic beverages within a motor vehicle. These states are Arkansas, Colorado, Kentucky, Nebraska, New Hampshire (possession is prohibited for persons under 20, unless accompanied by a parent or guardian), New Jersey, New York, Ohio, Virginia, and West Virginia.

The following seven states do not prohibit open containers in vehicles, but do prohibit the consumption of alcoholic beverages by drivers: Arizona, Massachusetts, Nevada, Pennsylvania, Rhode Island, Texas (sentence for DWI may be more severe if an open container is present at offence), and Vermont.

Alaska is one of fourteen states which currently have no statutes prohibiting the possession or transportation of open containers or the consumption of alcoholic beverages in motor vehicles. Other states include Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Louisiana, Maine, Mississippi, Missouri, New Mexico, Tennessee, and Wyoming. Alabama, Mississippi, and New Mexico are also currently considering legislation addressing these issues.

Alaska Community Ordinances

Anchorage, Fairbanks, Nome, and Seward have ordinances which specifically prohibit the possession or transportation of open containers of alcoholic beverages in motor vehicles. Other communities--including Juneau, Cordova, and Petersburg--prohibit the possession of open containers in public places, and consider motor vehicles to be "public places." Some communities, however--including Ketchikan, Kodiak, and Barrow--prohibit possession of open containers in public places, but do not consider motor vehicles to be "public places." Thus, local ordinances and enforcement vary widely.

I hope this information is useful to you. Please contact me if you have any questions.

Attachment

ANALYSIS BY STATES -- HIGH-INTEREST LEGISLATION
TABLE 2

STATE	Illegal Per Se (BAC Level)	Pre- sumptive (BAC level)	In Vehicle Prohibitions		Dram Shop Law ²	Legal Purch/ Sale for Alc Bev
			Open Con- tainer ¹	Anti- Consump- tion Law		
AL	0.10	0.10			Statute	21
AK	0.10	--			Statute	21
AZ	0.10	0.10		X ³	Statute	21
AR	0.10	--		X ⁴	No	21
CA	0.10	0.10	X	X	Statute ⁵	21
CO	0.15	.05-.10 ⁶		X	Statute	21
CT	0.10	--			Statute ⁸	21
DE	0.10	0.10 ⁹			No	21
DC	0.10	0.05 ⁹		X	Case Law	21 ¹⁰
FL	0.10	--			Statute ¹¹	21
GA	0.12	0.10			Possible ⁷	21
HI	0.10	--	X	X	Case Law	21
ID	0.10	>0.08	X		Statute	21
IL	0.10	0.10	X		Statute ⁸	21
IN	0.10	0.10 ⁹			Statute	21
IA	0.10	--	X	X	Statute	21
KS	0.10	0.10 ⁹	X	X	No	21
KY	--	0.10		X	Case Law	21
LA	0.10	0.10			Possible ¹²	21
ME	0.10	--			Statute ⁸	21
MD	--	.08,.13 ^{9,13}	X ¹⁴	X ³	No	21
MA	--	0.10		X ³	Case Law	21
MI	0.10	>.07,.10 ⁶	X	X	Statute	21
MN	0.10	--	X	X	Statute	21
MS	0.10	--			Statute	21
MO	0.10	0.10 ⁹			Statute ¹⁵	21
MT	0.10	0.10	X	X	Statute	21
NE	0.10	--		X	No	21
NV	0.10	0.10		X ³	No	21
NH	0.10	0.10 ⁹		X ⁴	Statute	21
NJ	0.10	--		X	Statute	21
NM	0.10	0.10			Statute	21
NY	0.10	0.08 ⁹		X	Statute	21
NC	0.10	--	X ¹⁴	X ^{14,3}	Statute	21
ND	0.10	--	X	X	Statute	21
OH	0.10	--		X	Statute	21
OK	0.10	0.10 ⁹	X	X	Case Law	21
OR	0.08	0.08 ¹⁷	X	X	Statute	21
PA	0.10	--		X ³	Statute	21
PR	--	0.10			No	18
RI	0.10	--		X ³	Statute	21
SC	--	0.10	X	X ⁴	Possible ⁷	21
SD	0.10	0.10	X		No	21 ²³
TN	--	0.10			Statute	21
TX	0.10	--		X ³	Statute ²¹	21

ANALYSIS BY STATES -- HIGH-INTEREST LEGISLATION
TABLE 2 (continued)

STATE	Illegal	Pre- sumptive (BAC Level)	In Vehicle		Dram Shop Law ²	Legal Purch/ Sale for Alc Bev
	Per Se (BAC Level)		Open Con- tainer ¹	Anti- Consump- tion Law		
UT	0.08	--	X	X	Statute	21
VT	0.10	0.10		X ³	Statute	21 ¹⁸
VA	0.10	0.10		X ⁴	No	21
WA	0.10	--	X	X	Case Law ^{8&19}	21
WV	0.10	0.10 ²⁰		X	No	21
WI	0.10	--	X	X	Statute ⁵	21
WY	--	0.10			Statute ²²	19
TOTAL	.08 - 2 .10 - 41 .12 - 1 .15 - 1	>.08 - 1 .10 - 21 .10 <u>prima</u> <u>facie</u> - 7 Other - 5	19	34	Case Law - 6 Statute - 33 Possible Case Law - 3	18 - 1 19 - 1 21 - 50

- ¹Laws prohibiting the possession of an open container of an alcoholic beverage in the passenger compartment of a motor vehicle.
- ²Ten (10) States do not have dram shop liability.
- ³Applies to drivers only.
- ⁴Possible.
- ⁵Applies only to the actions of intoxicated minors; previous case law as to other types of dram shop actions has been specifically abrogated by legislation.
- ⁶The lower of the two numbers is driving while impaired; the higher is driving while under the influence.
- ⁷Possible case law.
- ⁸This state has a statute that places a monetary limit on the amount of damages that can be awarded in dram shop liability actions.
- ⁹BAC level or levels which indicated prima facie evidence.
- ¹⁰Persons who were 18 before 9/30/86, may continue to purchase beer and light wine (14% alcohol or less).
- ¹¹Applies only to the actions of intoxicated minors or persons known to be habitually addicted to alcohol.

ANALYSIS BY STATES -- HIGH-INTEREST LEGISLATION
TABLE 2 (continued)

- 12Possible case law based upon the actions of minors.
- 13The lower of the two numbers is prima facie evidence of driving while under the influence; the higher is prima facie evidence of driving while intoxicated.
- 14Limited application.
- 15Cause of action limited to licensees who have been convicted of selling alcoholic beverages either to minors or to intoxicated individuals.
- 16The statute applies specifically to the actions of intoxicated minors, but the law does not foreclose developing case law as to other types of dram shop actions.
- 17Not less than 0.08 constitutes being under the influence of intoxicating liquor.
- 18Persons who were 18 as of 6/30/86 may continue to purchase alcoholic beverages.
- 19Applies only to the actions of (1) intoxicated minors and/or (2) adults who have lost their will to stop drinking.
- 20This state has both prima facie and presumptive evidence laws with BAC levels of 0.10.
- 21Statutory law has limited dram shop actions.
- 22Liability limited only to the actions of persons who are under 19 years old.
- 23Until 4/1/88, persons who are at least 19 years of age can purchase 3.2% beer.