

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**SB 2962 - HB 3192**

February 11, 2010

**SUMMARY OF BILL:** Increases the fine from \$40 to \$50 for violation of the open container law on a public highway or on the right-of-way of a public highway. Extends the law to passengers in the vehicle. Passengers in vehicles for hire or the living quarters of a house coach or trailer are exempted from the open container law.

**ESTIMATED FISCAL IMPACT:**

**Increase State Revenue – \$28,700**  
**Increase State Expenditures – Not Significant**

**Increase Local Revenue – \$1,500**  
**Increase Local Expenditures – Not Significant**

**Other Fiscal Impact - According to the Department of Transportation (TDOT), approximately \$16,000,000 is currently transferred from certain highway related programs, National Highway System, Surface Transportation System, and Interstate Maintenance, to the section 402 Programs (alcohol countermeasures, occupant protection, police traffic services, emergency medical services, traffic records, motorcycle safety, pedestrian and bicycle safety, non-construction aspects of roadway safety, speed control, etc.). This transfer would stop with passage of this bill when TDOT notifies the Secretary of the U.S. Department of Transportation of passage of a law meeting the requirements of federal Title 23 CFR Part 1270. As all of these programs are administered by TDOT; the net fiscal effect is zero.**

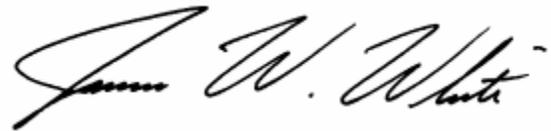
**Assumptions:**

- According to the Department of Safety (DOS), there are approximately 650 violations of the open container law committed by drivers each year.
- Twenty-five percent will not pay fines due to indigence resulting in 487.5 offenders paying fines.
- The total increase in revenue from violations by drivers is estimated to be \$4,875 (\$10 x 487.5 non-indigent offenders).
- DOS estimates the number of violations by passengers to be 675 per year, resulting in a total increase in revenue of \$25,300 (675 x \$50 x 75%).

- The total increase in revenue is estimated to be approximately \$30,200. Local governments will receive a five percent court clerk fee totaling \$1,500. The remaining 95 percent will increase state revenue by \$28,700.
- Any increase to state or local government expenditures can be accommodated within existing state and local government resources.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large initial "J" and a distinct "W".

James W. White, Executive Director

/jaw